

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
May 8, 2018**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM April 10, 2018

III. STAFF COMMENTS AND PROCEDURES

1. Stonecrest Addition Subdivision- Final Plat, Lots 1-32 and Tracts A & B - McClelland Consulting Engineers, Inc.
2. Off-Site Parking; A request by Reagan Angus, owner, for a remote parking agreement at River Valley Gymnastics at 4615 South 16th Street.
3. Subdivision Variance #14-5-18; A request by Ricky Hill, agent, for Danny and Brooke Loe, for a variance from UDO Section 27-503-2(E) (access on residential collector) at 4902 East Valley Road.
4. Master Land Use Plan Amendment #4-5-18; A request by Ron Brixey, agent Goodson's Enterprises, Inc., and Eugene Kersh, for a Master Land Use Plan Amendment from Office Research and Light Industrial to Commercial Neighborhood at 5500 Massard Road.
5. Rezoning Application #13-5-18; A request by Ron Brixey, agent, for Goodson's Enterprises, Inc., and Eugene Kersh, for a zone change from Planned Zoning District (PZD) to Commercial Light (C-2) by extension at 5500 Massard Road.
6. Home Occupation #4-5-18; A request by Pilhyun You for clothing alterations at 4319 S. 22nd Street

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

7. Variance #15-5-18; A request by Ricky Hill, agent, for Colt Smith, for the following variances: 1) from 25' to 10' interior side-yard setback (south property line on proposed Tract 2); 2) from 25' to 10' interior side-yard setback (north property line on proposed Tract 3); and 3) from 20' to 0' and 20' to 15' rear-yard setback on proposed Tract 3 at 8220 Highway 271.

8. Variance # 16-5-18; A request by Brett Abbott, agent, for Keith Lau, for the following variances: 1) from 30' to 25' front-yard setback; 2) from 30' to 25' exterior side-yard setback (proposed lots 6A & 6B); and 3) 10,500 s.f minimum lot size/4 dwellings per acre to 9,600 s.f. minimum lot size/4.6 dwellings per acre at 1001, 1011, & 1021 N. 49th Street.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

9. Development Plan #7-5-18; A request by Brett Abbott, agent, for Keith Lau, for a development plan approval for a duplex development at 1001, 1011, & 1021 N. 49th Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES**

ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER

April 10, 2018 – 5:30 P.M.

On roll call, the following commissioners were present: Bob Cooper, Jr., Shane Laster, Josh Carson, Vicki Newton, Marshall Sharpe, Ret Taylor, Kelly Wilson and Don Keesee. Commissioner Richardson was absent.

Chairman Sharpe then called for the vote on the minutes from the March 13, 2018, meeting. Commission Sharpe made two amendments. A motion was made and seconded to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Providence Subdivision, Phase II- Final Plat, Lots 30-42 and Lot 55 Crafton Tull for Providence, LLC.

Ms. Brenda Andrews read the staff report indicating that Phase II of the Providence Subdivision is located north of R.A. Young Jr. Drive in Chaffee Crossing. Ms. Andrews stated that there are 13 lots ranging in size from approximately 13,900 s.f. to 20,000 s.f. Ms. Andrews further stated that the property is zoned Residential Single Family Medium/High Density (RS-3).

Caroline Gardner, project engineer with Crafton Tull was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the final plat with staff comments, subject to the following:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county clerk.

The vote was 7 in favor and 1 abstention (Carson). Chairman Sharpe announced the item was approved.

2. Subdivision Variance # 10-4-18; A request by Todd Stacey, for a variance from UDO Section 27-503-2(E) (access on residential collector) at 9000 Moody Road.

Ms. Brenda Andrews read the staff report indicating that approval of the subdivision variance would allow the owner to subdivide his property into two lots and provide a shared driveway with a turnaround for a future single-family residence that have access onto Moody Road, which is classified as a Residential Collector. Ms. Andrews stated that the applicant indicated a hardship was present due to the property being zoned RS-2, which allows single family

residences, but the UDO prohibits single family residences from having access on streets classified as Residential Collector. Ms. Andrews stated that a neighborhood meeting was held Tuesday, March 27, 2018, 6:00 p.m. at 5720 Rogers Avenue at the Western Sizzlin Conference Room. She stated that no surrounding property owners attended the meeting.

Todd Stacey was present to represent the application.

Mr. Bill Hanson (8508 Rosewood Drive) spoke with concerns about concerns about raw sewage and flooding behind the existing lot.

Chairman Sharpe called for a vote on the subdivision variance with staff comments, subject to the following:

- Approval is contingent upon the submitted site plan that shows a turnaround on the proposed Lot 2 and a shared driveway between lots 1 and 2.
- The applicant shall submit a shared driveway agreement for planning department review that shall be recorded with the subdivision plat.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

- 3. Master Land Use Plan Amendment #2-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a Master Land Use Amendment from Residential Detached to Residential Attached at 5818 and 5904 Jenny Lind Place.**
- 4. Rezoning Application #9-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-3) by extension at 5818 and 5904 Jenny Lind Place.**
- 5. Development Plan #4-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a development plan for a multifamily development at 5818 and 5904 Jenny Lind Place.**

Ms. Maggie Rice read the staff report indicating approval of the Master Land Use Plan Amendment, Rezoning, and Development Plan would allow for the construction of a multifamily development with five duplexes. Ms. Rice further stated that a neighborhood meeting was held on March 22, 2018, at the community room of the Fort Smith Public Library branch located at 8701 South 28th Street at 4:30 p.m. Ms. Rice further stated that one property owner attended this meeting, and asked questions about the setbacks and the installation of a privacy fence.

Mr. Ron Brixey stated that a small revision was made on the Development Plan to eliminate the north entrance and to widen the south entrance to 24ft.

Glenda V. Wilson (1904 Jacobs Street) was present to speak in opposition of these applications. Ms. Wilson stated concerns about the decreased property values and the crime rates.

Chairman Sharpe called for a vote on the Master Land Use Amendment and Rezoning.

The vote for the Master Land Use Amendment, item 3 was 7 in favor and 1 opposed (Laster).

The vote for the Rezoning request, item 4 was 7 in favor and 1 opposed (Laster).

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission Approval.

The vote for the Development Plan, item 5 was 7 in favor and 1 opposed (Laster).

Chairman Sharpe announced that items 3, 4, and 5 were approved.

6. Rezoning Application #11-4-18; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Residential Single Family Medium/High Density (RS-3) to a Planned Zoning District (PZD) at 8108- 8207 Donnington Court (Lots 3-8 and Tract C) and 9500-9612 Shire Valley Court (Lots 9-17).

Ms. Brenda Andrews read the staff report indicating approval would allow the developer to change the front-yard setback to 15' and the side-yard setback to 5' in order to provide rear-entry garages to facilitate a walkable neighborhood. Ms. Andrews stated that they UDO does not provide a conventional zoning district that would accommodate the proposed development. Ms. Andrews further stated that a neighborhood meeting was held Monday, April 2, 2018, at 8404 Stoneshire Drive. Nine surrounding property owners attended the meeting with no objections to the rezoning.

Pat Mickle, project engineer was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Rezoning.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

7. Rezoning Application #12-4-18; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Residential Single Family Medium/High Density (RS-3) to Residential Single Family High Density (RS-4) AT 8108-8200 Donnington Court (Lots 22-24) and 9505-9519 Shire Valley Court (Lots 18-21 and Tract B).

Ms. Brenda Andrews read the staff report indicating approval would allow the developer to change the front-yard setback to 20' and the side-yard setback to 5' in order to provide a side-entry garages and facilitate a more walkable neighborhood. Ms. Andrews stated that a neighborhood meeting was held Monday, April 2, 2018, at 8404 Stoneshire Drive. Nine surrounding property owners attended the meeting with no objections to the rezoning.

Pat Mickle, project engineer was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Rezoning application.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

8. Master Land Use Plan Amendment #3-4-18; A request by Keith Blythe, agent for Felix Vozel, for a Master Land Use Plan Amendment from not classified to General Commercial at 12309 and 12319 Old Highway 71.

9. Rezoning Application # 10-4-18; A request by Keith Blythe, agent for Felix Vozel, for a zone change from not zoned to Commercial Moderate (C-3) by classification at 12309 and 12319 Old Highway 71.

Mr. Wally Bailey read the staff report indicating approval of the Master Land Use Plan Amendment, Rezoning and Variance would allow the owner to utilize the property for personal storage, a batting cage, and non-residential use. Mr. Bailey stated that no new construction is proposed at this time. Mr. Bailey further stated that a neighborhood meeting was held Monday, March 12, 2018, on site and six neighborhood property owners were present at the neighborhood meeting. No attendees had any objections to the rezoning; although, some had concerns about future uses at this site.

Commissioner Carson asked Mr. Bailey about the street access/requirements for a C-1 or C-2 zoning. Mr. Bailey stated that the street access for C-1 was Residential Collector or higher, C-2/C-3 is a Major Collector or higher.

Keith Blythe was present to represent the application. Mr. Blythe distributed information regarding traffic counts on Old Highway 71. He stated that according to the Arkansas Department of Transportation, the 2017 average daily traffic for Old Highway 71 was 1,700.

James Williams (12518 Dunstan Drive), Jerry and Barbara Carter (5706 Callaway Lane), Alfred and Jeanne Gstatenbauer (5709 Graystone) and Elton and Katrina Richardson (5514 Callaway Lane) spoke in opposition of these applications. They expressed concerns about increased traffic, noise and future commercial use.

Chairman Sharpe called for a vote on the Master Land Use Plan Amendment and the Rezoning with staff comments, subject to the following:

- Future development plans for the property must be approved by the Planning Commission before any building permits are issued.

The vote for the Master Land Use Amendment, item 8 was 7 in favor and 1 abstention (Carson).

The vote for the Rezoning, item 9 was 6 in favor, 1 opposed (Taylor) and 1 abstention (Carson).

Chairman announced the items 8 and 9 were approved

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

10. Variance #11-4-18; A request by Keith Blythe, agent for Felix Vozel, for the following variances: 1) Minimum parcel size for C-3 zoning; and 2) Required street access at 12309 and 12319 Old Highway 71.

Chairman Sharpe called for a vote on the zoning variances.

The vote was 6 in favor, 1 opposed (Taylor) and 1 abstention (Carson). Chairman Sharpe announced the item was approved

11. Variance #12-4-18; A request by Alvin Prieur, for the following variances; 1) Front-yard setback from 100' to 90'; 2) An interior-yard setback from 100' to 70'; 3) A rear-yard setback from 100' to 80'; and 4) From UDO Section 27-602-4(E)(2) at 5412 South 24th Street.

Ms. Maggie Rice read the staff report indicating approval would allow for an approximate 103,415 s.f. warehouse and office space addition with additional parking. Ms. Rice stated that the applicant stated that without the variance a large portion of the property will be undevelopment because of the location of the existing single family residences. Ms. Rice further stated that a neighborhood meeting was held on Monday, April 2, 2018, on site. Three surrounding property owners attended the meeting and had no objections. Ms. Rice stated that the applicant also received five phone calls about the development. Three phone calls were in support of the development and two of the phone calls had questions about development and site lighting.

Mr. Wally Bailey pointed out that the buildings were connected and the reason for pushing the building back was because of the existing high pressure gas line south of the proposed warehouse.

Alvin Prieur was present to represent the application. He indicated that landscaping was proposed on South 24th Street and that a privacy fence would also be installed on the east, west and north side of the new warehouse and on each side of the new driveway proposed on South 24th Street.

Chairman Sharpe called for a vote on the following variances with staff comments, subject to the following:

- Contingent upon approval of the Development Plan.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

12. Development Plan #5-4-18; A request by Alvin Prieur, for a development plan for an addition of a warehouse at 5412 South 24th Street.

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Provide site lighting information with the building permit applications that show compliance with 27-602-5 of the UDO.
- New and existing dumpsters shall be screened in accordance with the UDO screening requirements.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

13. Development Plan #6-4-18; A request by Brett Abbott, agent, for a development plan for a warehouse for Honda Powersports at 3731 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating approval would allow the owner to construct a 7,500 s.f. metal warehouse with a 10' rear-yard setback and with modified

landscaping. She indicated that the rear property line abuts an approximate 100' railroad right-of-way. Ms. Andrews stated the applicant indicated that the proposed building will have minimal visibility from the right-of-way. Also, due to existing development and hard surfaces, modified landscaping is proposed. Ms. Andrews further stated that a neighborhood meeting was held at Honda Powersports on March 26, 2018, at 9:00 a.m. with no surrounding property owners attending the meeting.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
- Approval of the companion variances for rear-yard setback, exterior building materials, and landscaping.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

- 14. Variance #13-4-18; A request by Brett Abbott, agent, for the following variances: 1) A rear-yard setback from 30' to 10'; 2) From UDO Section 27-602-4(C); and 3) From UDO Section 27-602-3 at 3731 Towson Avenue.**

Chairman Sharpe called for a vote on the following variances.

The vote was 8 in favor 0 opposed. Chairman Sharpe announced the item was approved.

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

- 15. Annual election of officers.**

A motion to nominate Marshall Shape as Chairman was made, seconded and carried for approval.

A motion to nominate Don Keesee as Vice Chairman was made, seconded and carried for approval.

A motion to nominate Vicki Newton as Secretary was made, seconded and carried for approval.

Mr. Wally Bailey stated that Commissioner Talicia Richardson would not be returning to the planning commission and that Richard Morris would be taking her place the start of May, 2018.

There being no further items, the meeting adjourned at approximately 7:30 p.m.

Memo

To: City Planning Commission

From: Planning Staff

Date: May 1, 2018

Re: Stonecrest Addition – Lots 1-32 and Tracts A & B – Final Plat - McClelland Consulting Engineers, Inc.

Approval of the proposed final plat will facilitate the development of 32 duplexes.

EXISTING ZONING

The existing zoning is Residential Single Family-Duplex Medium/High Density (RSD-3). The RSD-3 zoning district provides for medium to high density, compact single family detached and duplex development on new sites or as infill construction

PROPOSED LAND USES

Duplexes are proposed for lots 1-32. The developer proposes to convey Tract A to the City of Fort Smith as a future dog park. Tract B is an existing lake and will be utilized as a detention pond.

PROPOSED LOT SIZE

The proposed lots range in size from .18 acres (7,841 s.f.) to .37 acres (16,117.20 s.f.). The lot sizes exceed the minimum 6,500 s.f lot size required by the RSD-3 zoning district.

PROPOSED SITE FEATURES

Landscaping – A 10' perimeter landscape area is proposed on Wells Lake Road and a 5' perimeter landscaping area on Veterans Avenue and Custer Boulevard. The planning commission approved a subdivision variance on November 17, 2017, to allow the reduced landscaping width due to hardships associated with topography, existing water and sewer lines, and the large pond. The approval also included the elimination of trees in the landscaping strip on Custer Boulevard and reducing the trees from 13 to 5 trees in the landscaping strip on Wells Lake Road. A minimum of 9 trees will be planted in the backyards on lots 24-32 adjacent to Custer Boulevard.

Sidewalks – 5' wide sidewalks are proposed on one side of all internal streets and on the perimeter of the subdivision.

Fencing – A 6' privacy fence is proposed on the perimeter of the subdivision that will be accented with brick columns on Wells Lake Road. The fencing and brick columns are located in utility easements and will require Board approval of a Temporary Revocable License.

STAFF COMMENTS

We recommend approval of the final plat with the following comments:

- Board approval of a Temporary Revocable License to allow fencing and brick columns in public utility easements.
- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the

STATE OF MISSISSIPPI

COUNTY OF HARRIS SPORN AND SUBSCRIBED BEFORE ME
NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

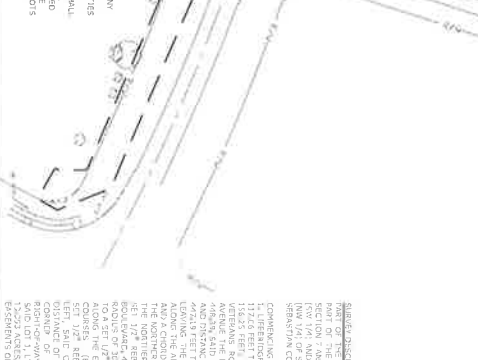
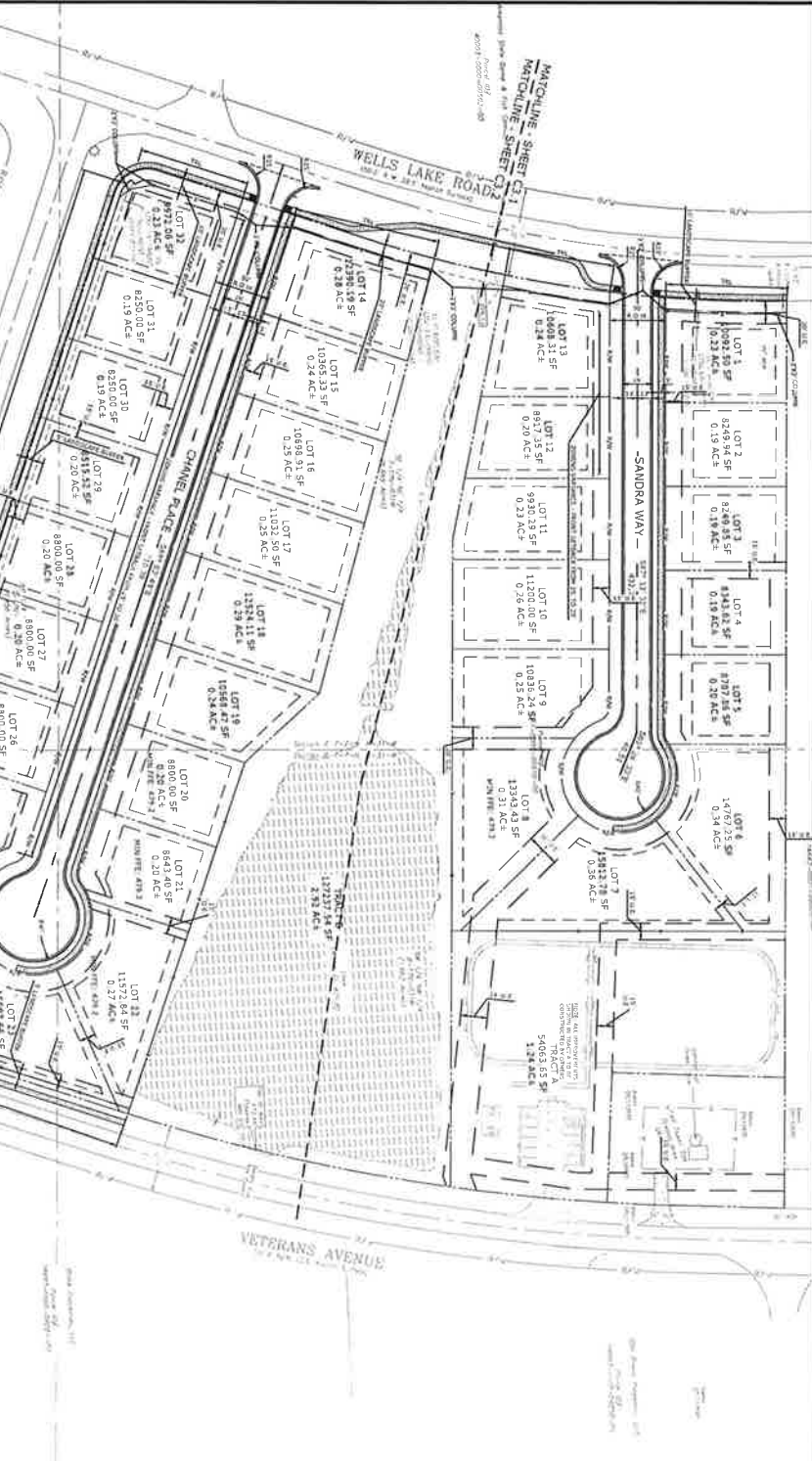
PUBLIC RECORDS COMMISSION ASSOCIATION

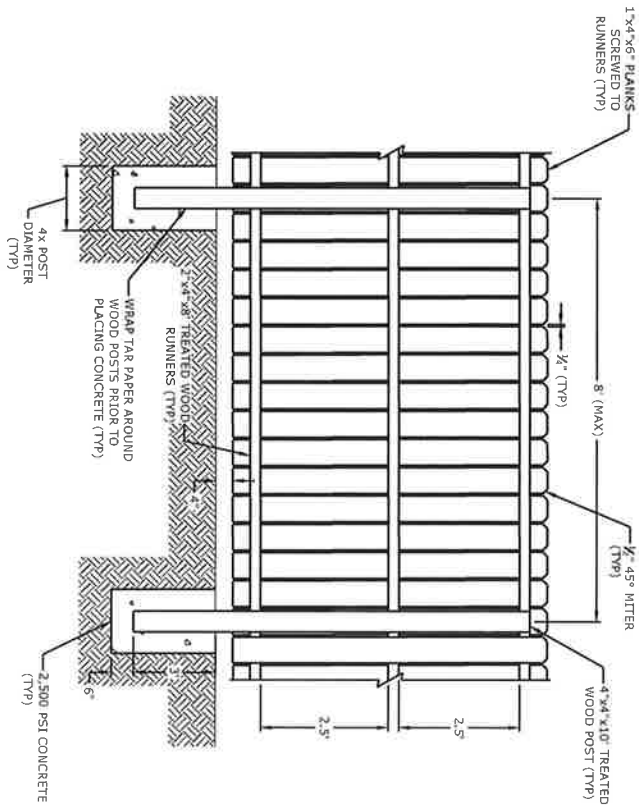
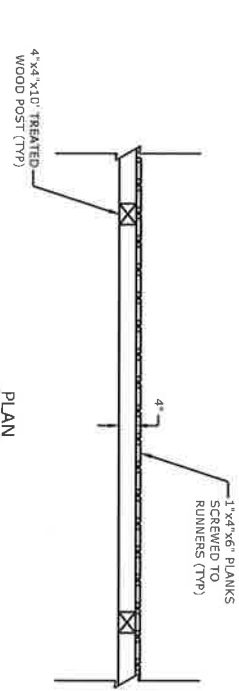
MANUAL NUMBER _____ DATE _____
SECRETARY _____ DATE _____
FILED ON RECORD THIS ____ DAY OF _____ 2017 AT _____ CLERK
CLERK AND EX-OFFICIO RECORDER _____ BY _____
PRINTED NAME CONTACT _____

ALLOTTEES: EFC HOLDINGS, LLC
4111 MASSARD ROAD
FORT SMITH, AR, 72903

Handwritten notes at top right:
"I have reviewed the above information and find it to be true and correct."
Date: 10/16/2017
Signature: [illegible]
Notary Public for the State of Mississippi

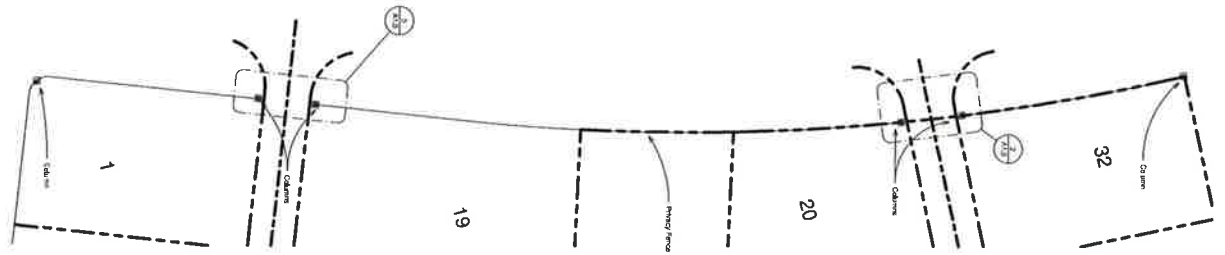
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"I have reviewed the above information and find it to be true and correct."
Date: 10/16/2017
Signature: [illegible]
Notary Public for the State of Mississippi

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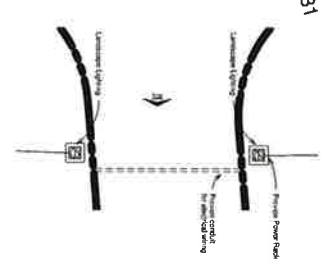


26B 6' WOOD PRIVACY
FENCE
NTS

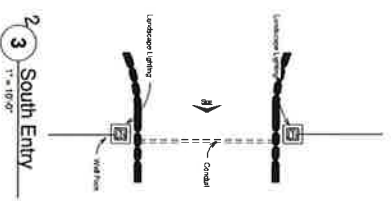
1 Entries
1" = 30'-0"



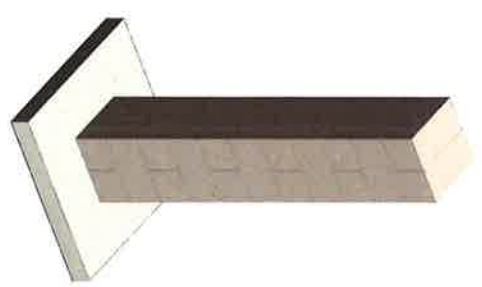
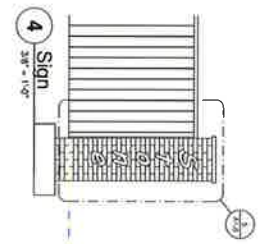
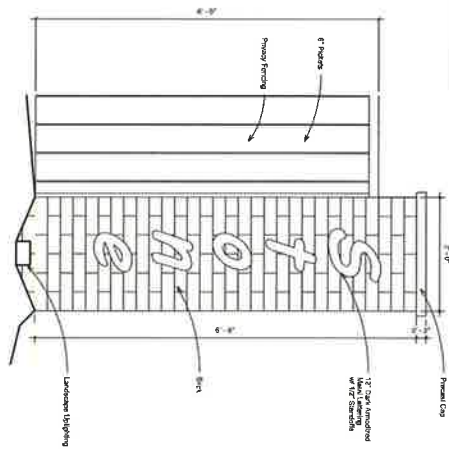
2 North Entry
1" = 10'-0"



3 South Entry
1" = 10'-0"



Concrete	
Volume	Total
2.47 CV	Footings
90.54 CV	Foundation
62.43 CV	Columns
Brick Details	
Count	Type
132	18x18
Columns Material Takeoff	
Sign	Material
400 SF	Brick, Common



Stonecrest Addition Subdivision

Final Plat, Lots 1-32 and Tracts A & B

Legend



Stonecrest Subdivision

Cell Tower Site

Chad Colley Boulevard

Landscape Company

Veterans Avenue

Custer Boulevard

Google Earth

Image Landsat / Copernicus

1000 ft



Memo

To: City Planning Commission

From: Planning Staff

Date: May 2, 2018

Re: Remote Parking Agreement - A request by Reagan Angus, agent, for a remote parking agreement for River Valley Gymnastics at 4615 South 16th Street in an Industrial Light (I-1) zoning district

The Planning Department is in receipt of the subject remote parking agreement. The agreement will allow River Valley Gymnastics to have the minimum number of required off street parking spaces. The agreement is between River Valley Gymnastics, TRAC Staffing, and Brico Industries. The property is zoned Industrial Light (I-1).

A minimum of 40 parking spaces are required for River Valley Gymnastics and their property only has 14 onsite parking spaces. With the shared parking agreements Mr. Angus has 40 spaces thus satisfying the parking requirements for the proposed use.

Factors relating to remote parking:

1. Remote parking must be located within 300 feet of the facility it serves.
2. The remote parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.
3. The remote parking spaces are available after 3:00 p.m. and 4:00 p.m.
4. The remote parking spaces agreements are valid as long as the businesses are in existence.

Recommendations for the planning commission's consideration are: 1) River Valley must limit its business activities until the parking spaces included in the parking agreement become available; and 2) any significant changes to the remote parking agreements (*e.g., such as a loss of an agreement, or other change that will negatively alter the number of parking spaces for River Valley*) will require River Valley to work with the City to develop a new parking plan.

Dear Bill,

By this letter I am making a formal application to the Planning Commission pertaining to the parking requirements for River Valley Gymnastics proposed offsite parking.

The current facility has 8000 square feet total customer service area.

The City of Fort Smith requires 1 space for each 4 patrons at maximum capacity. Fort Smith Fire Department states that maximum capacity is 1 person per 50 square feet which equals 160 persons maximum. The required parking is 40 spaces.

I have attached shared parking agreements for 2 neighboring properties to give us a total of 40 spaces.

Furthermore, our classes will be limited to 30 students per session and many of the students will be dropped off and picked up. I feel that 40 spaces far exceed what our business will actually require. Our sessions will be in the evening hours after the majority of the businesses on S 16th St have closed.

We will not have any special events or competitions at this location. It will be used for regularly scheduled classes only.

Sincerely,

River Valley Gymnastics

Reagan Angus



4/25/18

Shared Parking Agreement

As the owner of TRAC Staffing located at 4609 S 16th Street, I, Kasey Moran agree to share parking after 4 pm with the owner, Reagan Angus, of Fort Smith, AR 72901 River Valley Gymnastics located at 4615 South 16th Street as long as both business are in existence.

Owner Signature: Kasey Moran

Date: 04-20-2018

Applicant Signature: Reagan Angus

Date: 4/20/18

Shared Parking Agreement

As the owner of Brico Industries located at 4601 South 16th ST,
Thomas Tumbullo agree to share parking after 3 pm with the owner, Reagan Angus, of
River Valley Gymnastics located at 4615 South 16th Street as long as both business are in
existence.

Owner Signature: [Signature]

Date: 4/19/18

Applicant Signature: [Signature]

Date: 4/19/18

OFFICE USE ONLY



CITY OF FORT SMITH

BUSINESS REGISTRATION APPLICATION



OFFICE USE ONLY

Account Number

(PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION AND RETURN TO:

PLANNING DEPT. 623 GARRISON AVE. FT. SMITH ARKANSAS

Mail to: P.O. Box 1908 Fort Smith, AR. 72902

APPLICATION ID

Class Code

☐

(Optional) I am a minority and/or Woman Owned Business. Please include my business in the Minority & Women's Business Directory.

ZONE

<input checked="" type="checkbox"/>	NEW BUSINESS	<input type="checkbox"/>	RELOCATING	<input type="checkbox"/>	CHANGE OF OWNERSHIP
DATE	4/16/18	NUMBER OF EMPLOYEES	2	Email	rivervalleygymnastics@gmail
CORPORATE NAME	River Valley Gymnastics				
LICENSE HOLDERS NAME	Reagan	S	Angus		
BUSINESS NAME	River Valley Gymnastics				
BUSINESS ADDRESS	4615 South 16th Street	Fort Smith	AR	72901	
APPLICANT NAME	Reagan Angus				
BUSINESS PHONE		CELL PHONE	479 271 3395	EMERGENCY PHONE	
FAX NUMBER		ALTERNATE PHONE			
MAILING ADDRESS	4615 South 16th	Fort Smith	AR	72901	
PREVIOUS BUSINESS ADDRESS		STREET	CITY	STATE	ZIP
PLEASE ANSWER <u>ALL</u> OF THE FOLLOWING QUESTIONS ABOUT YOUR BUSINESS					
PREVIOUS USE OF STRUCTURE	Church				

PROVIDE A DETAILED DESCRIPTION OF YOUR BUSINESS INCLUDING A LIST OF THE PRODUCTS OR SERVICES OFFERED

Gymnastics, tumbling, cheer instruction. NO organized events will take place at this location.

WILL THIS BUSINESS BE OPERATED OUT OF A RESIDENCE (HOME)?	YES	<input checked="" type="checkbox"/>	NO
WAS THE PREVIOUS USE OF THIS STRUCTURE A HOUSE?	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A SEXUALLY ORIENTED BUSINESS?	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A FOOD SERVICE BUSINESS? (REQUIRES HEALTH APPROVAL)	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A PAWN SHOP? (SEE COLLECTIONS MANAGER)	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A PRIVATE CLUB? (SEE COLLECTIONS MANAGER)	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A CHILD CARE SERVICE? (REQUIRES DHS APPROVAL)	YES	<input checked="" type="checkbox"/>	NO
WILL THIS BE A FLEA MARKET? <u>INDOOR</u> <u>OUTDOOR</u>	YES	<input checked="" type="checkbox"/>	NO
WILL ALCOHOL BE SERVED OR ALLOWED AT THIS BUSINESS?	YES	<input checked="" type="checkbox"/>	NO
IS THIS BUSINESS A HUMAN/PET CREMATORIUM? (SEE COLLECTIONS MANAGER)	YES	<input checked="" type="checkbox"/>	NO

NOTICE: IF RUNNING MORE THAN ONE BUSINESS OUT OF THE SAME STRUCTURE, YOU ARE REQUIRED TO FILL OUT SEPARATE BUSINESS APPLICATIONS FOR EACH BUSINESS. BUILDING/SIGN PERMITS ARE REQUIRED FOR REMODELING/ADDITIONS AND SIGNS

BY SIGNING THIS DOCUMENT, I UNDERSTAND THAT ANY FALSE STATEMENTS MADE IN THIS APPLICATION SHALL RESULT IN DENIAL. I FURTHER UNDERSTAND THAT VIOLATION OF ANY LOCAL, STATE, OR FEDERAL LAW, MAINTAINING A NUISANCE OR UNSANITARY PREMISES, OR OPERATING A BUSINESS CONTRARY TO THAT PERMITTED BY THE APPROVED BUSINESS REGISTRATION SHALL BE CAUSE TO REVOKE THE BUSINESS LICENSE

SIGNATURE:

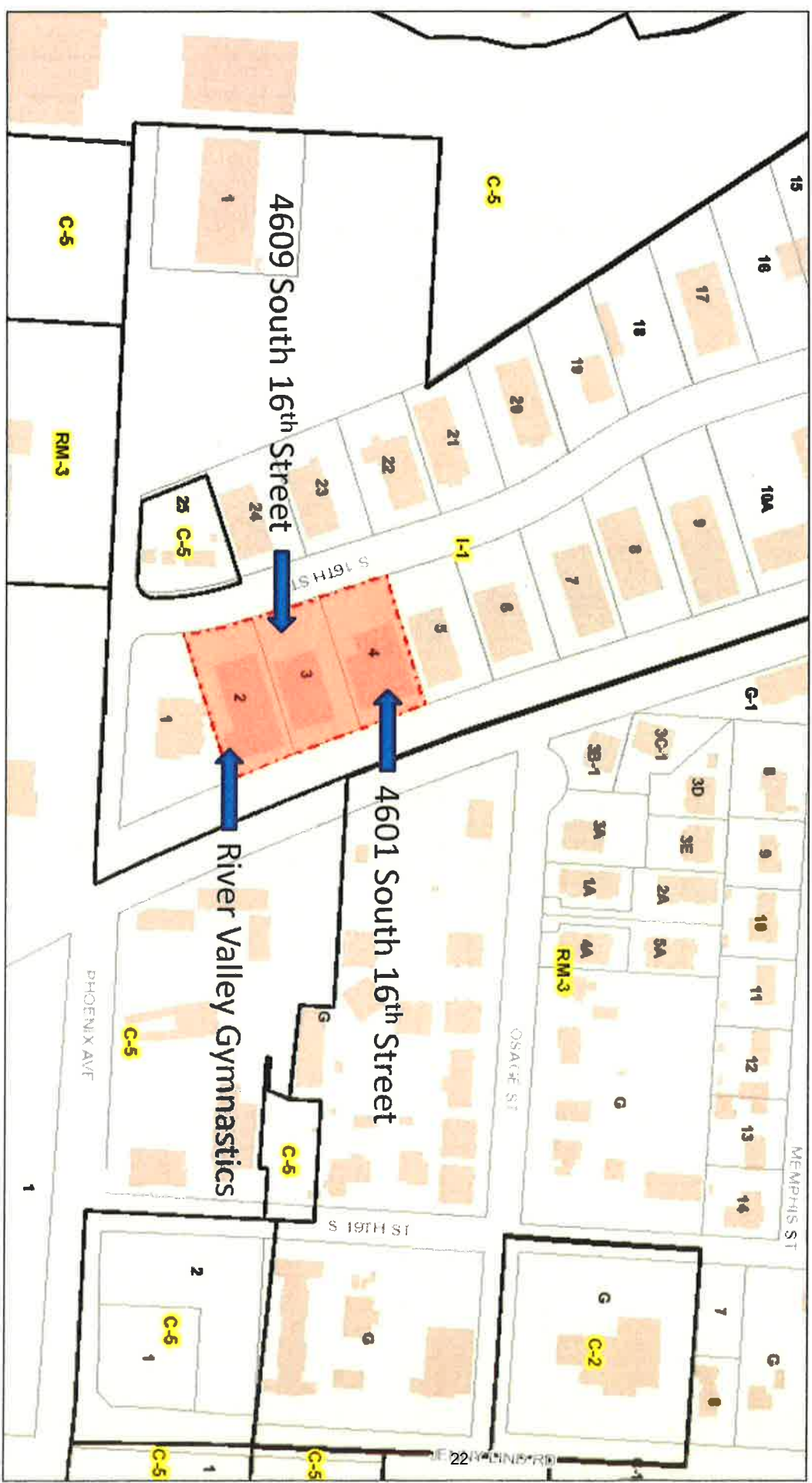
☐

APPLICANT

☐

OWNER

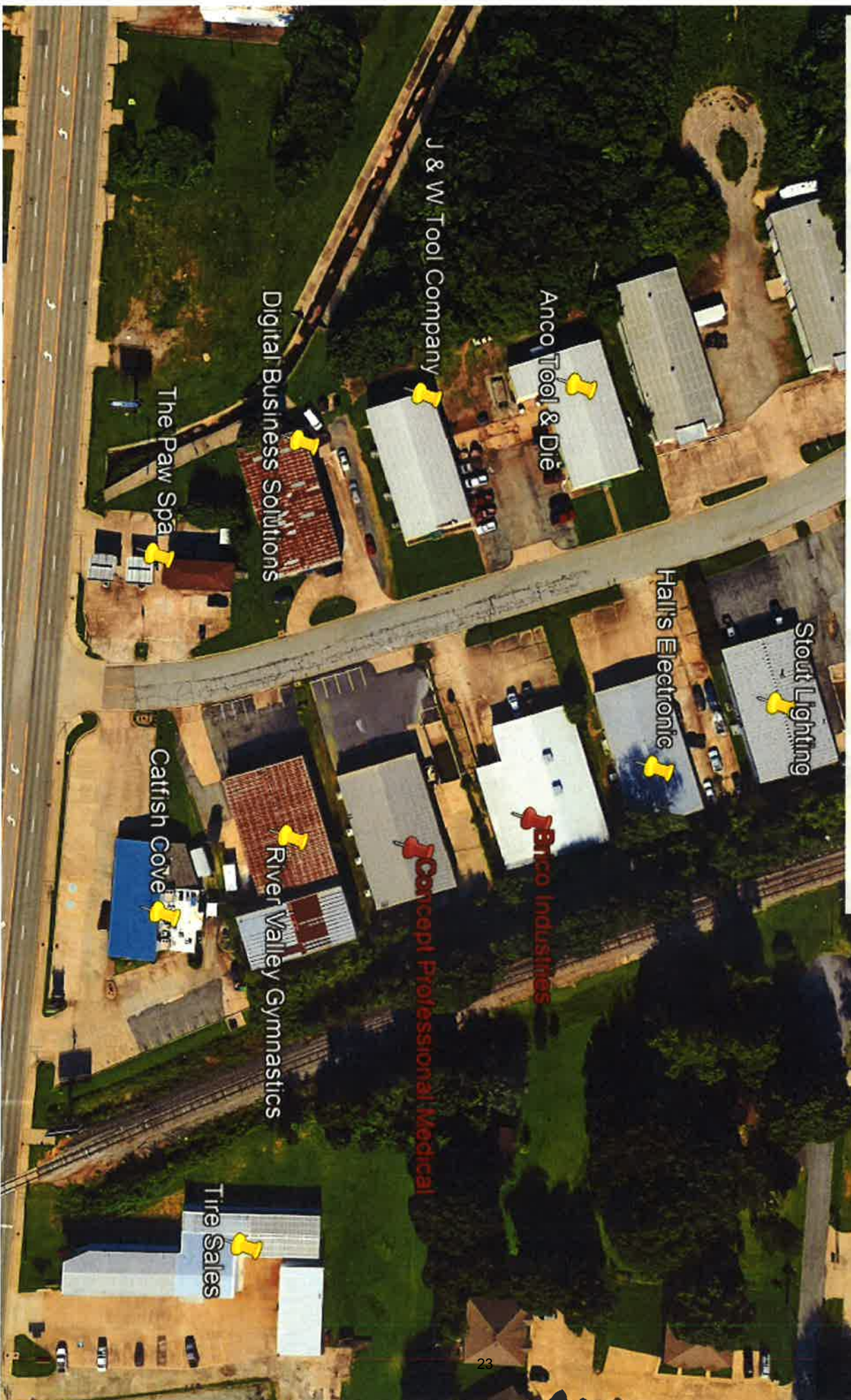
Shared Parking Agreement for River Valley Gymnastics
4615 South 16th Street



Shared Parking Agreement for River Valley Gymnastics

4615 South 16th Street

Legend



Memo

To: City Planning Commission

From: Planning Staff

Date: May 1, 2018

Re: Subdivision Variance #14-5-18 - A request by Ricky Hill, agent for Danny and Brooke Loe, for planning commission approval of a subdivision variance at 4902 East Valley Drive from Section 27-503-2(E), which states that lots that include single family, row houses, and duplexes shall not have access on classified streets

REQUESTED VARIANCE

Approval of the subdivision variance will allow the owner to subdivide the subject property into two lots. The new lot will provide a circle driveway for a future single-family residence that will have access onto East Valley Road, which is classified as a Residential Collector.

LOT LOCATION AND SIZE

The subject property is on the south side of East Valley Road between South 46th Street and South Waldron Road. The tract contains an area of 1.7 acres with approximately 247 feet of street frontage along East Valley Road.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet
Maximum Density – 4 Dwelling Units/Acre
Minimum Lot Width at Building Line – 75 feet
Minimum Street Frontage – 50 feet
Front Yard Setback - 30 feet
Side Yard on Street Side of Corner Lot - 30 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 50%

SURROUNDING ZONING AND LAND USE

The properties to the north, east and west are zoned to the north are zoned RSD-2 and are developed as single family residences.

The property to the south is zoned RSD-2 and is developed as a golf course.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies East Valley Road as a Residential Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The property is zoned RSD-2, which allows single family residences, but the UDO prohibits single family residences from having access on streets classified as Residential Collector. The applicant has proposed a circle drive to eliminate any vehicles backing onto the street.

NEIGHBORHOOD MEETING

The applicant submitted a request to the Planning Department to waive the neighborhood meeting and the request was approved. UDO Section 27-516-5 allows the Director to waive meetings when there are few or no neighbors within 300 of the proposed variance, the proposed variance will allow development in compliance with the surrounding area, and the request represents a minor change to the development requirements that will have little or no effect on the surrounding properties.

GRANTING OF A VARIANCE

If the Planning Commission approves the variance, staff requests that it substantiate its reason for approval in accordance with Section 27-516-2 of the Unified Development Ordinance, which permits the granting of a subdivision variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the Subdivision Design and Improvements Standards.

STAFF COMMENTS AND RECOMMENDATIONS

The intent of UDO Section 27-503-2(E) is to prohibit vehicles from backing out onto classified streets, which carry heavier traffic loads than local non-classified streets. The applicant has proposed to plat the property with a circle driveway, which will eliminate vehicles from backing out onto East Valley Road.

The City Engineering Department has reviewed the application and the proposed site plan with the circle driveway and has no objections to the variance request.

Planning staff recommends approval of the request with the following condition:

1. Approval is contingent upon the submitted site plan that shows a circle drive on the Tract 1. Other approved maneuvering or 'turnaround' designs must be approved by the Planning and Engineering Departments of the City.
2. The approval of this subdivision variance is for the future development of a single family home.

**APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN
AND IMPROVEMENT STANDARDS**

Owner or Agent Name (*please print*): Danny Loe

Street Address or Location: 4902 East Valley Road

Legal Description of Property (attach separate sheet if necessary):

Part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 8 North

Range 32 West, Sebastian County, Arkansas

Zone: RSD-2

Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

Article: Section: 27-503-2(E)

The specific request is as follows:

Requesting a circle drive for access to East Valley Road. This would allow occupant to drive

straight out of property instead of backing out onto East Valley Road.

Signed:

P O Box 640, Alma, AR

Owner or Agent Mailing Address

Owner

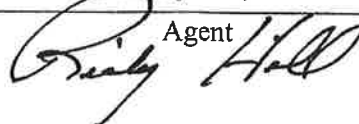
or

479-632-3565

Owner or Agent Phone Number

Ricky Hill, PLS

Agent



Variance #

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

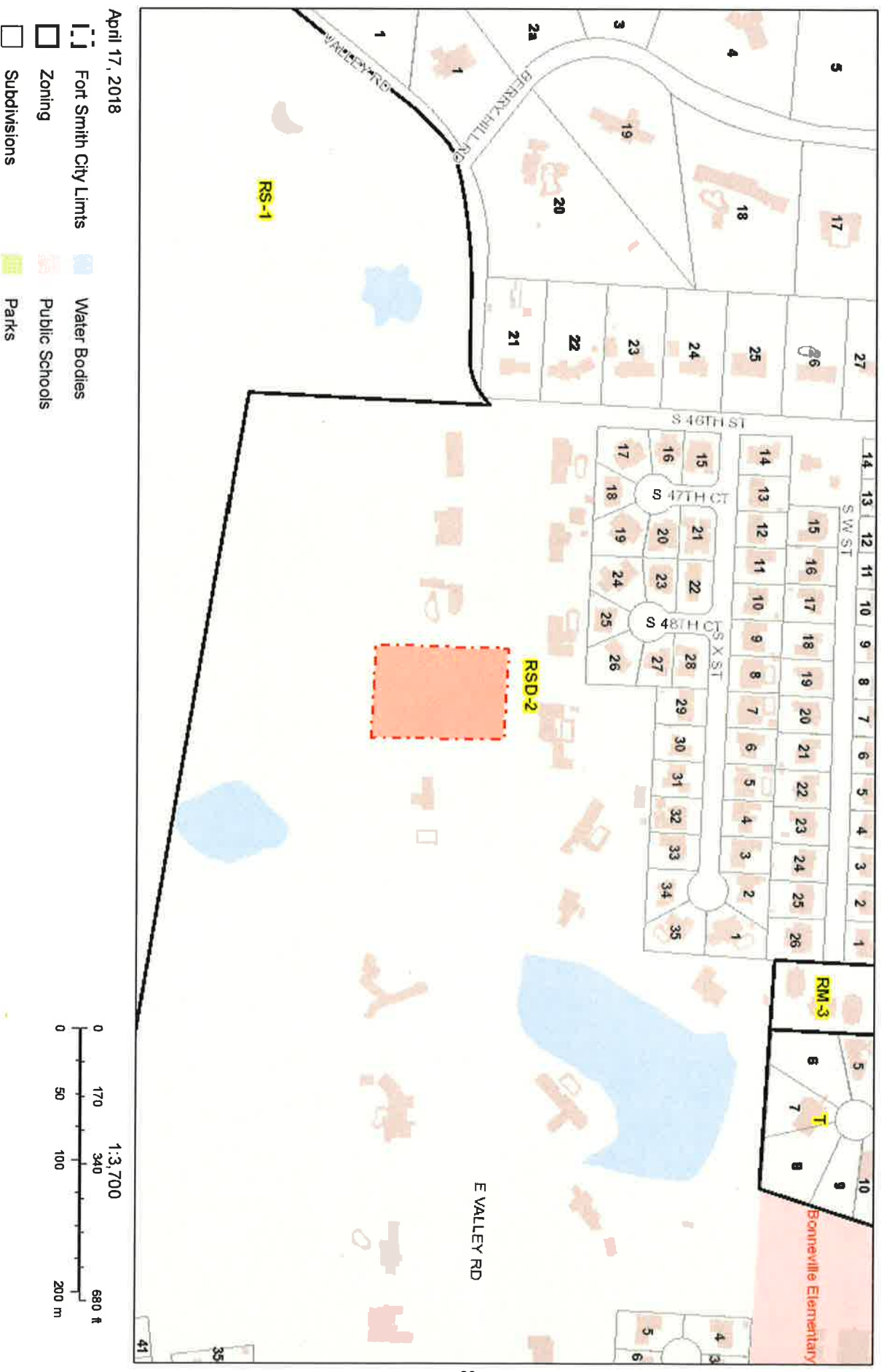
1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

Unable to back onto street

2. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

A circle drive would allow driver to pull straight out of drive to East Valley Road.

Subdivision Variance #14-5-18: From UDO, Section 27-503-2(E) (access on residential collector street) 4902 East Valley Road



BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

(242,670.59 S.O.F.T.)

UNIVERSITY

- POLY
- BUILDING
- QUALITY
- CHEMIST
- COKE CONCRETE
- POLY
- QUALITY LINE
- DUST OF FINEST OF GRAIN
- POLY LINE - POINT OF VIEW LINE
- POLY LINE
- POLY LINE

Stallard and Young, P.D., Copyright 2018

[illegible]

Part of the Southwest Quarter of the Southwest Quarter of Section 23 Township 8 North, Range 32 West, Sedition County, Missouri being more particularly described as follows:

[illegible]

References

[illegible]

SURETIES NOTICE. Any property owner who is within the 100-Year Flood Zone, according to the Flood Map for the Southeast County, Alameda Community Flood No. 68131C0109 (herein, March 2, 2007).

SURVEYOR'S DISCLAIMER AND STATEMENT OF USE
This survey was completed by the written or verbal authorization of the person named as the buyer and/or user by as shown on this plat. No one has the authority to use the title or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named above relying upon this plat will be held responsible. Defendant is not responsible for any errors or omissions and is not responsible or have any liability to any other person or company who uses this plat without written authorization. After State Surveyor's office, survey becomes public record.

CONTACT: BROOKE & DANNY LOE
4902 EAST VALLEY ROAD
FORT SMITH, AR 72903
PHONE: (479) 719-4597

Satterfield Land Surveyors P.A.
2001 AVE. & 10TH
FALLS AVENUE, 21 NORTH ALMA, AVE. - PHOENIX, AZ. (602) 833-3065

[illegible]

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: April 25, 2018

Re: Proposed Master Land Use Plan Amendment #4-5-18 - by Ron Brixey, agent for Goodson's Enterprises, Inc and Eugene Kursh, at 5500 Massard Road from Office, Research and Light Industrial to Commercial Neighborhood

The Planning Department is in receipt of an application from Ron Brixey to amend the Master Land Use Map from Office, Research and Light Industrial to Commercial Neighborhood, to accommodate a proposed Commercial Light (C-2) zoning request. The subject property is on the west side of Massard Road, north of Canopy Oaks Drive. The tract contains an area of 2.11 acres with approximately 219 feet of street frontage along Massard Road.

The property is currently a Planned Zoning District (PZD). A companion zoning application requests a Commercial Light (C-2) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Residential Detached and Open Space and is undeveloped.

The area to the east is classified as Residential Detached and is developed as single family residences.

The area to the south is classified as Residential Detached and is developed as the Elks Lodge.

The area to the west is classified as Office, Research and Light Industrial and is undeveloped.

PROPOSED LAND USE

The proposed classification of Commercial Neighborhood is described as follows:

To provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- Located on a Collector or Arterial street **Yes**
- Land area generally surrounded by residential type uses, but may occur within areas of large employers, or students **Yes**
- Parcels of less than an acre would not be classified as NC unless designed as a complex of compatible goods and services for a pedestrian environment **Yes**

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Office, Research and Light Industrial. This classification is to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Major Arterial.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, April 26, 2018 at the Dallas Street Branch Library. One surrounding property owner was in attendance but did not have any objections.

STAFF COMMENTS AND RECOMMENDATIONS

This property was zoned to a PZD from Commercial Light (C-2) in 2016. The PZD only allowed for a mini storage facility and vehicle storage yard. The applicants would like to utilize the property as a bicycle sales and service facility which would be permitted in a C-2 zone. A master land use map amendment in order to accommodate the C-2 zone is required. The proposed master land use plan amendment to Commercial Neighborhood better fits with the surrounding land uses than the Office, Research and Light Industrial.

Staff recommends approval.

Application Type

☒ **Minor Amendment** ☐ **Standard Amendment** ☐ **Major Amendment**
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☒ **Request to Amend Text** ☐

Applicant Name: Mark Goodson	
Firm Name: Goodson's Enterprises, Inc.	
Address: P.O. Box 238, Ratcliff, Arkansas 72951	
Phone # (day): 479-484-7500	Phone # (cell): Fax #:
Owner Name: Same as applicant	
Owner Address:	
Phone # (day): Phone # (cell): Fax #:	
Property Address (subject property): 5500 Massard Road	
Subject Property	
Current Land Use: Commercial Building	
Existing MLUP Classification: Office Research	
Proposed MLUP Classification: Commercial Neighborhood	
Existing Zoning Classification: PZD	
Proposed Zoning Classification: C-2 Commercial Light	
Surrounding Property	
Current Land Use: north-	Vacant
south-	Commercial Building
east-	Single family residence
west-	Vacant
Existing MLUP Classification: north: Office Research - Residential Detached	
south:	Residential Detached
east:	Residential Detached
west:	Office Research
Existing Zoning Classification: north: PZD	
south:	C-2
east:	RS-2
west:	PZD
Pre-Application Meeting Date: April 10, 2018	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
Legal description attached.

2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
See attached Site Plan for proposed development location.

3. The area dimensions of the property in square feet or acres.
2.11Acres

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

The property fronts on Massard Road which is in excellent condition.

Massard Road is a Major Aterial Street. No new roads are proposed.

Traffic generated by the proposal should be insignificant.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

The property is currently served by an existing 30" Sanitary sewer line, an 18 Waterline, and all franchise utilities along the street.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

No new structures or add-ons are proposed

7. Identify any known or anticipated environmental concerns:

There are no known or anticipated environmental concerns to my knowledge.

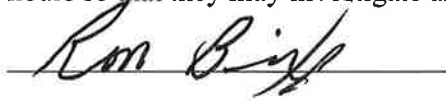
For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

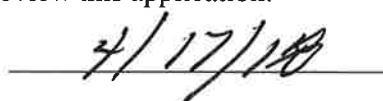
Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.



Signature (Agent/Owner)



Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

April 27, 2018

MINUTES OF NEIGHBORHOOD MEETING
5500 MASSARD ROAD

On April 26, 2018 at 4:30 p.m. a Neighborhood meeting was held in the community room at the Dallas Street Branch of The Fort Smith Public Library. The address of the library is 8201 Dallas Street to discuss a proposed Zone Change from PZD to C-2 and a proposed revision to the Master Land Use Plan from Office Research to Commercial Neighborhood. The proposals were initiated by the owner, Goodson's Enterprises, Inc. and potential developer, Eugene Kersh.

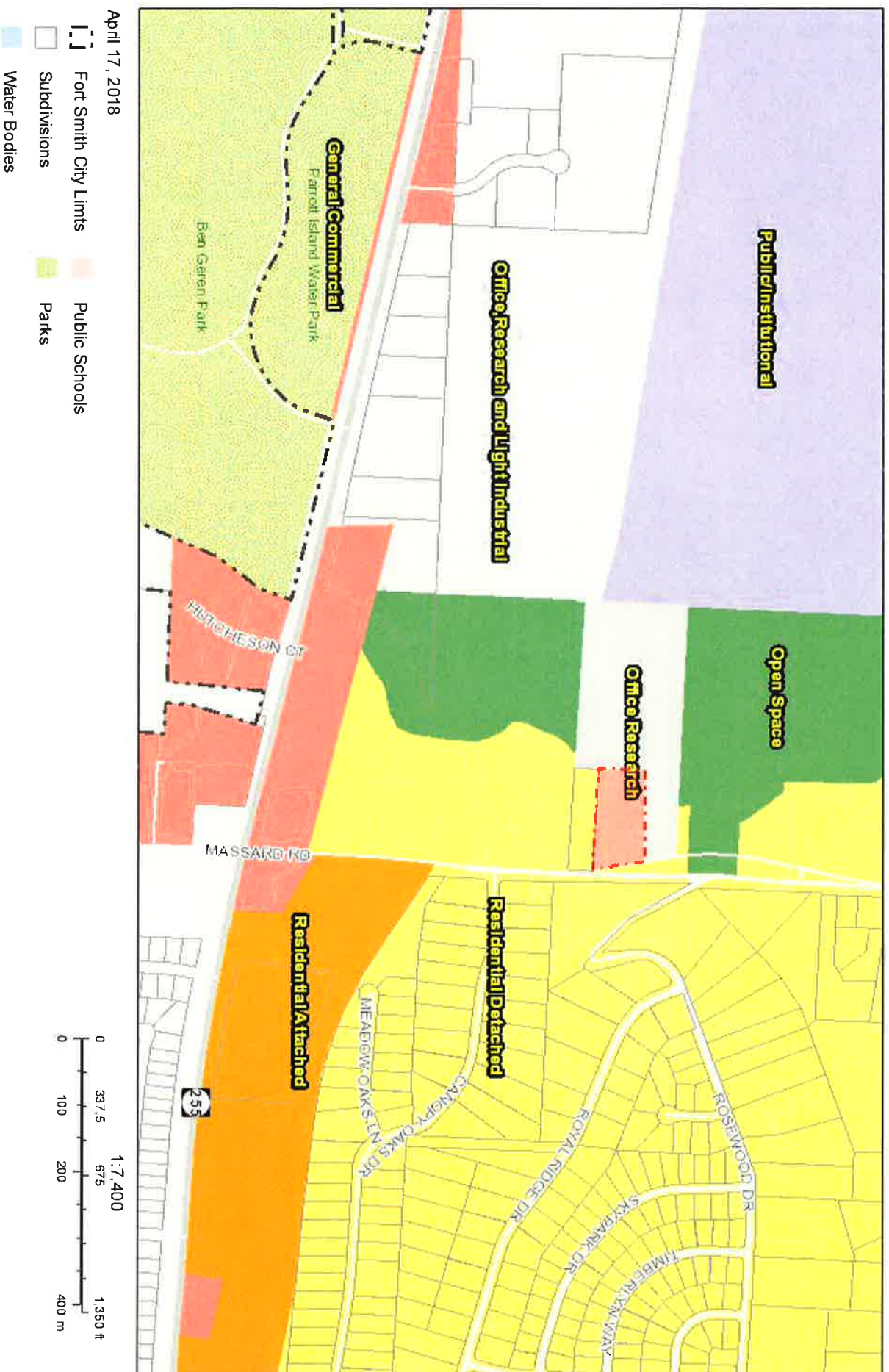
Eugene Kersh proposes to utilize the existing building as a bicycle shop with portions of the building being rented out for retail or commercial uses.

Four people were in attendance. The City was represented by Wally Bailey of the Planning Department. Ron Brixey of Brixey Engineering presided. Eugene Kersh represented the applicant. One in attendance was a local resident, Mr. Ron Yates.

Mr. Brixey presented a general explanation of the proposed development. Mr. Yates indicated that he was representing some of the other neighbors and that he was pleased with the proposal and that the others who he represented would also be pleased.

There was a general discussion of current and future development in the area and the meeting adjourned at approximately 5:00 P.M.

Master Land Use Amendment #4-5-18: From Office Research and Light Industrial to Commercial Neighborhood at 5500 Massard Road



Master Land Use and Rezoning

5500 Massard Road

Legend

Single-Family Residential

Single-Family Residential

Residential

Elks Lodge

Bank

Mini Storage

South Zero Street

Google Earth

Image Landsat / Copernicus

10000 ft



Memo

To: City Planning Commission

From: Planning Staff

Date: April 25, 2018

Re: Rezoning #13-5-18 - A request by Ron Brixey, agent for Goodson's Enterprises, Inc and Eugene Kursh, for Planning Commission consideration of a zone request from a Planned Zoning District (PZD) to Commercial Light (C-2) by extension at 5500 Massard Road

PROPOSED ZONING

Approval of the proposed rezoning will allow a potential buyer to utilize the existing building as a bike shop with portions of the building being rented for retail or commercial uses.

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road, north of Canopy Oaks Drive. The tract contains an area of 2.11 acres with approximately 219 feet of street frontage along Massard Road.

REQUESTED ZONING

The proposed zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

EXISTING ZONING

The existing zoning is a Planned Zoning District (PZD).

SURROUNDING ZONING AND LAND USE

The area to the north is classified as Residential Detached and Open Space and is undeveloped.

The area to the east is classified as Residential Detached and is developed as single family residences.

The area to the south is classified as Residential Detached and is developed as the Elks Lodge.

The area to the west is classified as Office, Research and Light Industrial and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Office, Research and Light Industrial. This classification is to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

There is a companion application requesting the Master Land Use Plan Map be amended changing the land use classification to a Commercial Neighborhood classification. This

classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, April 26, 2018 at the Dallas Street Branch Library. One surrounding property owner was in attendance but did not have any objections.

STAFF COMMENTS AND RECOMMENDATIONS

This property was zoned to a PZD from Commercial Light (C-2) in 2016. The PZD only allowed for a mini storage facility and vehicle storage yard. The applicants would like to utilize the property as a bicycle sales and service facility and other retail or commercial uses that are permitted in a C-2 zone. Staff recommends approval of the request contingent upon approval of the companion Master Land Use Plan application.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

SEE ATTACHED EXHIBIT

2. Address of property: 5500 Massard Road
3. The above described property is now zoned: PZD
4. Application is hereby made to change the zoning classification of the above described property to C-2 (Commercial Light) by Extension.
(Extension or classification)
5. Why is the zoning change requested?

Request is made in order to allow a potential buyer to utilize the existing building as a bike shop with portions of the building being rented out for retail or commercial uses

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 E. Highway 45, Fort Smith AR 72916
Owner or Agent Mailing Address

or

Ron Brixey
Agent

479-646-6394 Ext. 1
Owner or Agent Phone Number

April 27, 2018

MINUTES OF NEIGHBORHOOD MEETING
5500 MASSARD ROAD

On April 26, 2018 at 4:30 p.m. a Neighborhood meeting was held in the community room at the Dallas Street Branch of The Fort Smith Public Library. The address of the library is 8201 Dallas Street to discuss a proposed Zone Change from PZD to C-2 and a proposed revision to the Master Land Use Plan from Office Research to Commercial Neighborhood. The proposals were initiated by the owner, Goodson's Enterprises, Inc. and potential developer, Eugene Kersh.

Eugene Kersh proposes to utilize the existing building as a bicycle shop with portions of the building being rented out for retail or commercial uses.

Four people were in attendance. The City was represented by Wally Bailey of the Planning Department. Ron Brixey of Brixey Engineering presided. Eugene Kersh represented the applicant. One in attendance was a local resident, Mr. Ron Yates.

Mr. Brixey presented a general explanation of the proposed development. Mr. Yates indicated that he was representing some of the other neighbors and that he was pleased with the proposal and that the others who he represented would also be pleased.

There was a general discussion of current and future development in the area and the meeting adjourned at approximately 5:00 P.M.

5500 Massard Road



Master Land Use and Rezoning

5500 Messard Road

Legend

Single-Family Residential

Single Family Residential

Residential

Mini Storage

Bank

Elks Lodge

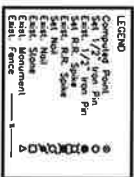
South Zero Street

Google Earth

Image Landsat / Copernicus



1000 ft



Revisions:

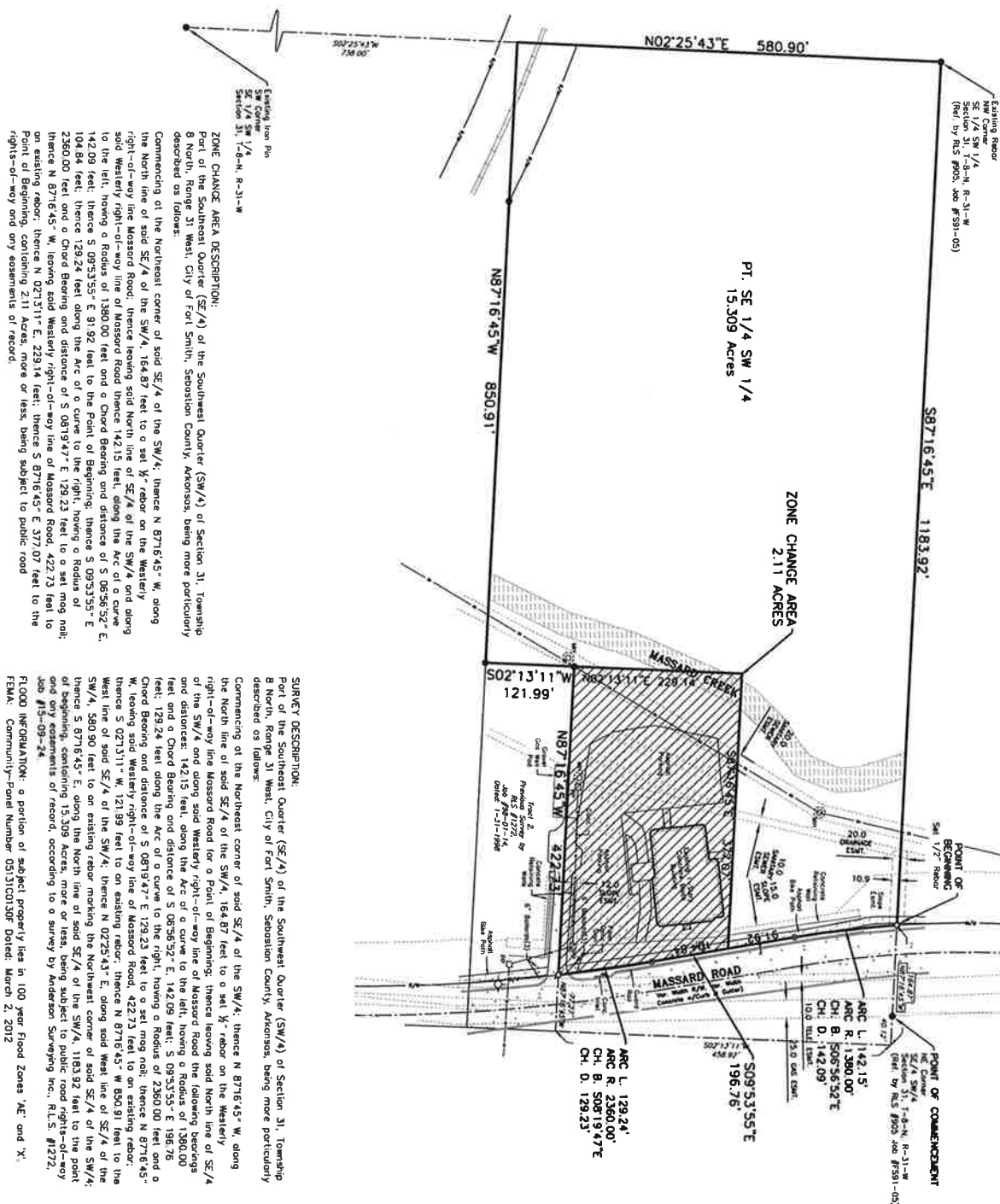
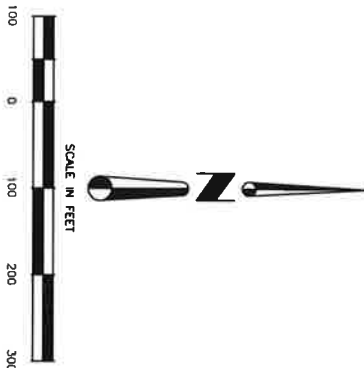


SITE PLAN
5500 MASSARD ROAD, FORT SMITH
PART SE/4 OF THE SW/4
SECTION 31 T-8-N, R-31-W
SEBASTIAN COUNTY, ARKANSAS

Date: 04/16/2018
Drawn By: RUG
Computed:
Job No. 15-0113



© BRIDEX ENGINEERING & LAND SURVEYING, INC. 2018



Memo

To: City Planning Commission

From: Planning Staff

Date: April 23, 2018

Re: Home Occupation #4-5-18 - A request by Pilhyun You, owner, for Planning Commission consideration of a clothing alterations business in a Residential Multifamily Medium Density (RM-3) zone located at 4319 South 22nd Street

PROPOSED HOME OCCUPATION

The home occupation if approved will allow the applicant to operate a clothing alterations business from the home.

LOT LOCATION AND SIZE

The subject property is on the east side of South 22nd Street between Louisville Street and Phoenix Avenue. The tract contains an area of 0.18 acres with approximately 65 feet of street frontage along South 22nd Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

All of the surrounding properties are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 22nd Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

NEIGHBORHOOD MEETING

The applicant did not hold a neighborhood meeting. A neighborhood meeting is not required for a home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

The subject property currently has five parking spaces with the existing driveway. The five spaces will accommodate the applicant's two cars and any customer parking on the site. The applicant understands and has confirmed that customers will be by appointment only as indicated on the application.

The applicant has also confirmed that no items will be drop-shipped or delivered to the residence.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

Home Occ. # _____

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. clothing alteration

2. Will this business be completely contained in the residential structure? Yes ☒ No ☐

If no, described location. _____

3. What percentage of the residential floor area will be required to operate the business?

25 percentage of the residential floor

4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒

5. At what hours and days of the week do you plan to operate the business? 09:00 AM - 05:00 PM
Mon - Sat phy

6. Will there be any noise Not, odor Not, or other outdoor activity Not associated with the business? If yes, explain. _____

7. Will materials or supplies be stored at this location? Yes ☒ No ☒ yes (y) phy

8. How much storage will be needed? only one No

9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. _____

10. Will you have any business vehicles? Yes ☐ No ☒ If yes, describe below.

Type of Vehicle:

Make _____ Model _____

Color _____ Length (trailer) _____

11. Will this business require any license/certification, accreditation other than a city occupation license? Yes ☐ No ☒ What type? _____

12. Can you operate this business by appointment only? Yes ☒ No ☒ (yes)

Explain: Call and visit

13. Will customers come to this location? Yes ☒ No ☐
14. How many customers do you expect to have coming to your home at any one time?
One or two
15. Do you expect any drop-in customers? Yes ☒ No ☒ (No)
16. How do you plan to provide parking for customers? Customers can use parking lot of my house.
17. Do you plan to advertise this business? Yes ☒ No ☐
If yes, by what methods? on internet, business card, Newspaper
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No ☐
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No ☐
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ☐ No ☒
21. Do you own or rent this property? Yes, I own this property.
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes ☒ No ☐
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes ☒ No ☐
25. Provide any other information that you feel helpful.

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Pilhyun You

Legal Description of property included in the home occupation request:

Lot/Block 4
subdivision Phoenixplace

Street Address of Property: 4319 4319 S 22ND St Fort Smith, AR 72901

Zone Classification: RM-3

Type of Business Requested: Clothing alteration

Signed:

Pilhyun You
Applicant's Name (please print)

318-525-7356
Phone Number of Applicant

318-525-7356
youngdook@msn.com
Applicant Mailing Address

318-751-2260

Pilhyun You
Applicant

4/13/18
Date

Property Owner

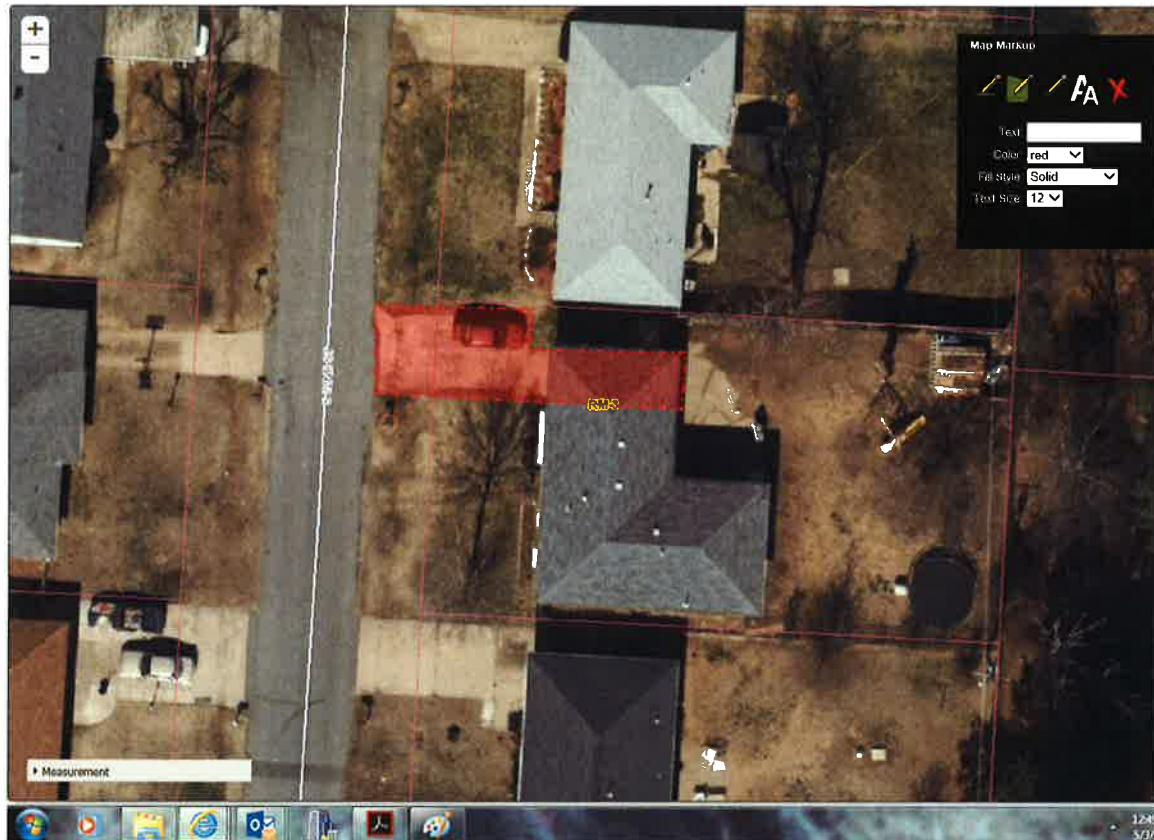
Date

(if rental property)

Home Occupation #4-5-18: Clothing Alterations Business 4319 South 22nd Street



The existing driveway has space for 5 vehicles.



Memo

To: City Planning Commission

From: Planning Staff

Date: May 2, 2018

Re: Variance #15-5-18 - A request by Ricky Hill, agent for Colt Smith, for Board of Zoning Adjustment consideration of a zoning variance request from: 1) 25' to 10' interior side yard setback (south property line on proposed Tract 2); 2) 25' to 10' interior side yard setback (north property line on proposed Tract 3); and 3) 20' to 0' rear yard setback on proposed Tract 3 at 8220 US Highway 271

REQUESTED VARIANCE

Approval of the requested variances will allow the property owner to subdivide the property for future sales. The variances address issues that will be created with the addition of new property lines for the proposed three tracts.

LOT LOCATION AND SIZE

The subject property is on the west side of US Highway 271 just north of Mesa Drive. The tract contains an area of 12.91 acres with approximately 430 feet of street frontage along US Highway 271.

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Industrial Moderate (I-2 SPL). The special requirements of Ordinance 24-06 authorizing the zoning of the property prohibits vehicular access from Texas Road and requires screening of the container storage area. Characteristics of the ETJ I-2 zone are as follows:

Purpose:

To provide for industrial uses that can be operated in a clean and quiet manner that will not be obnoxious to adjacent uses and have relatively limited environmental impacts. I-2 uses are primarily contained indoors and have heavier traffic generation than I-1 uses. I-2 zoning is appropriate in the industrial classification of the ETJ land use map.

Permitted Uses:

Bus, truck, mobile homes, or large vehicle sales or service, convenience store, heavy machinery and equipment sales or service, lawn and garden, lumber yard and building materials, heating and plumbing equipment, financial institutions, real estate, offices, veterinary services, extermination and pest control, manufacturing are examples of permitted uses.

Conditional Uses:

Automobile storage, truck stop, medical laboratory, petroleum storage and loading, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, nursery and preschool, police, fire, emergency response, child day care (up to 12 children) and day care center are examples of uses permitted as conditional uses..

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet
Minimum Lot Width at Setback Line – 100 feet	Maximum Lot Coverage - 60%
Minimum parcel/lot size for rezoning – New District (By Classification) – 10 acres	
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet	
Minimum Street Frontage – N/A	
Front Yard Setback - 50 feet	
Side Yard on Street Side of Corner Lot - 50 feet	
Side Yard Setback – 25 feet	
Rear Yard Setback - 20 feet	
Side/Rear Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Required street access: Major Arterial or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned ETJ I-1 SPL and ETJ Open-1 and developed as storage facilities and an undeveloped area.

The area to the east is zoned Commercial Heavy (C-5) and developed as boat sales and apartments.

The area to the south is zoned ETJ O-1 and undeveloped.

The area to the west is zoned ETJ O-1 and RSD-3 SPL and developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 271 as a Future Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial and Residential Detached. The classification of General Commercial is to provide opportunities for business transactions and activities, and meet the consumer needs of the community and Residential Detached is to

create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant states that the locations of the existing buildings do not allow compliance with the required minimum 25' interior side yard setbacks or the 20' rear yard setback. Without the variances, the property cannot be subdivided and sold as individual lots.

NEIGHBORHOOD MEETING

The Unified Development does not require neighborhood meetings for properties in the ETJ.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

If the BZA is inclined to approve the variances, staff recommends the following comments:

- 1) Approval is based on the submitted site plan.
- 2) Development of proposed Tract 1 shall require submittal of a development plan for planning commission review and approval prior to new construction.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 8220 Hwy 271 South, Existing or Proposed

Zoning Classification ETJ Industrial Moderate (I-2) SPL, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

<u>FROM</u>		<u>TO</u>	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
<u>25 feet</u>	-	<u>10 feet</u>	Interior Side Yard Setback-South Property Line only for proposed Tract 2 and the North property line for proposed Tract 3
<u>20 feet</u>	-	<u>0 feet</u>	Rear Yard Setback
<u>20 feet</u>	-	<u>15 feet</u>	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
_____	-	_____	Minimum Lot Area (Square Feet)
_____	-	_____	Minimum Lot Frontage
_____	-	_____	Maximum Size of a Sign
_____	-	_____	Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

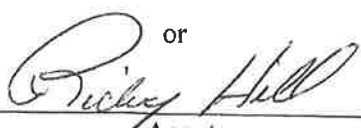
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Ricky Hill
Owner or Agent Name *(please print)*

479-632-3565
Owner or Agent Phone Number

P O Box 640, Alma, AR 72921
Owner or Agent Mailing Address

Owner
or

Agent

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<u> X </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> X </u>	<u> </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> X </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> X </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> X </u>	<u> </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> X </u>	<u> </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

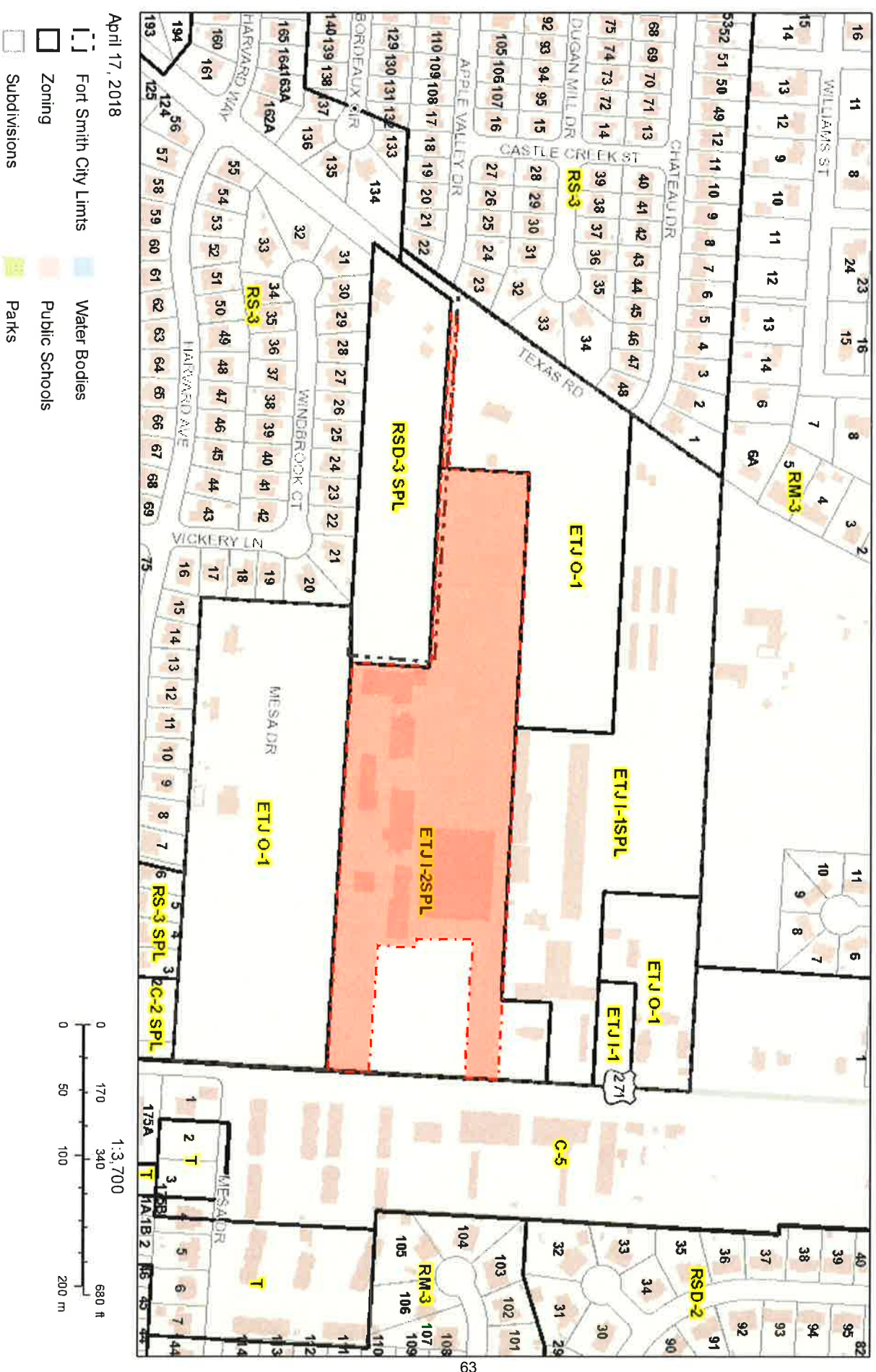
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The property cannot be sold without a variance.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

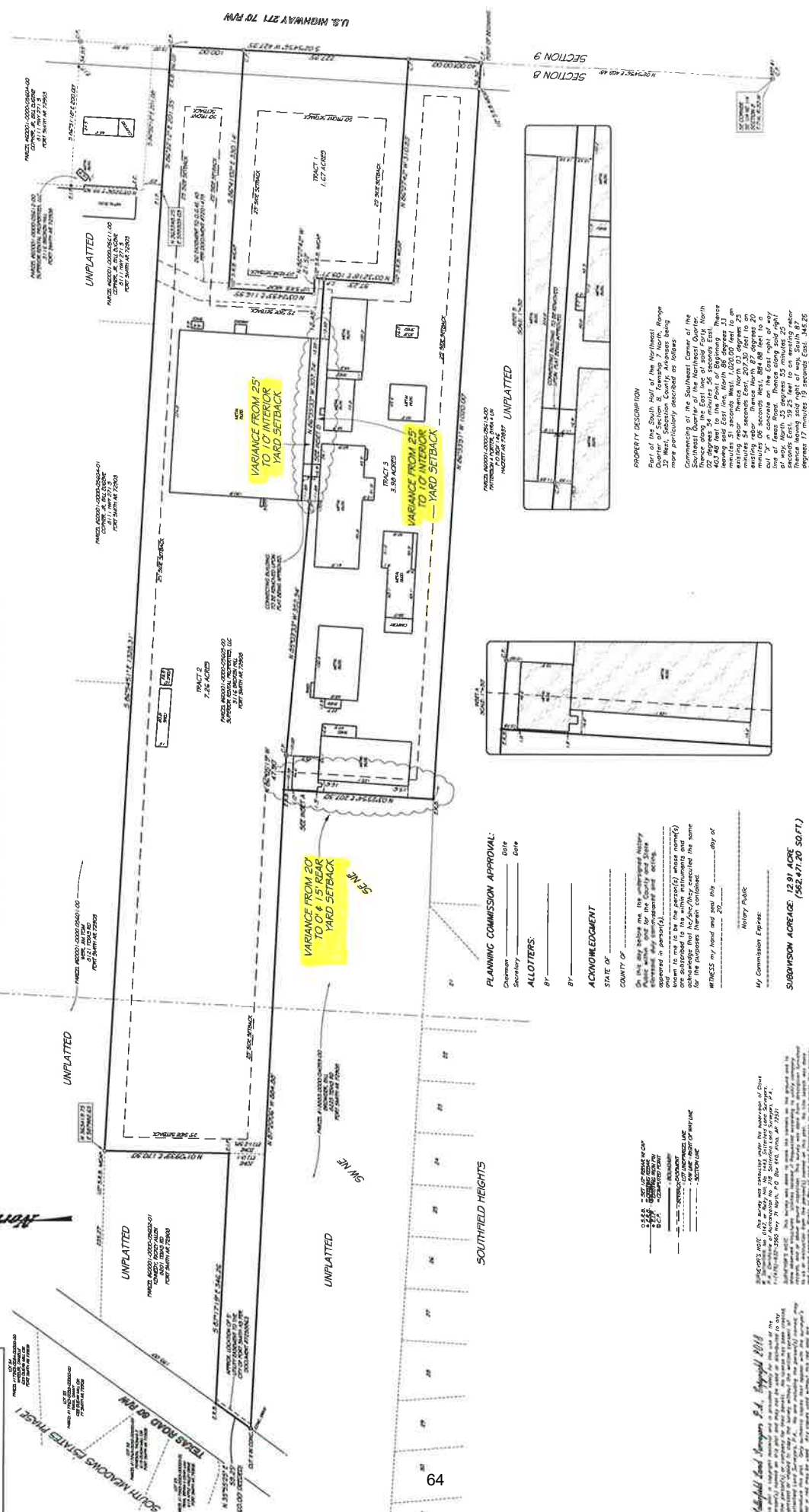
The proximity of building does not allow for the 25 foot interior side yard setback
or the 25 foot rear yard setback.

sideyard setback (north property line Tract 2); 3) 20' to 0' and 20' to 15' rearyard setback on Tract 3




WEATHERFORD TRACTS 1, 2, & 3

BEING A PART OF THE SOUTH HALF OF THE NORTHEAST
QUARTER OF SECTION 8, TOWNSHIP 7 NORTH, RANGE
32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS



1. The City of the Shell, west of the Northwest
 2. Quarter of Section 2, Township 7 North, Range
 3. 34 East, containing 160.000 acres, less
 4. 22.000 acres, more or less, as follows:
 5. 1. 1/4 sec. 34, 1/4 sec. 35, 1/4 sec. 36, 1/4 sec. 37,
 6. 1/4 sec. 38, 1/4 sec. 39, 1/4 sec. 40, 1/4 sec. 41,
 7. 1/4 sec. 42, 1/4 sec. 43, 1/4 sec. 44, 1/4 sec. 45,
 8. 1/4 sec. 46, 1/4 sec. 47, 1/4 sec. 48, 1/4 sec. 49,
 9. 1/4 sec. 50, 1/4 sec. 51, 1/4 sec. 52, 1/4 sec. 53,
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CONTACT:	COLT SMITH
	3116 BROOKEN HILL DR
	FORT SMITH, AR 72908
PHONE:	(479) 420-9327

Variance

8220 US Highway 271

Legend

Single Family Residence

Warehouse

Warehouse

Single Family Residence

Boat Sales

Apartments

Dollar General

860 ft Patient Rental Needs

Google Earth

Image Landsat / Copernicus

Single Family Residences

Residential

Memo

To: City Planning Commission

From: Planning Staff

Date: May 3, 2018

Re: Variance #16-5-18 - A request by Brett Abbott, agent for Keith Lau, for Board of Zoning Adjustment consideration of a zoning variance request: 1) from 30' to 25' front-yard setback; 2) from 30' to 25' exterior side-yard setback (proposed lots 6A & 6B); and 3) 10,500 s.f minimum lot size/4 dwellings per acre to 9,600 s.f. minimum lot size/4.6 dwellings per acre located at 1001, 1011, & 1021 N. 49th Street

REQUESTED VARIANCE

Approval of the variances and the companion development plan will facilitate the development of six duplexes (12 dwelling units) and the subdivision of three lots into six lots.

LOT LOCATION AND SIZE

The subject properties are located on west side North 49th Street and the east side of North 48th Street between Grand Avenue and North J Street. The property contains an area of 1.33 acres with approximately 306 feet of street frontage along North 49th Street and North 48th Street and 190 feet of street frontage along Grand Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet
Maximum Density – 4 Dwelling Units/Acre
Minimum Lot Width at Building Line – 75 feet
Minimum Street Frontage – 50 feet
Front Yard Setback - 30 feet
Side Yard on Street Side of Corner Lot - 30 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 50%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and developed as single family residences.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and Commercial Light (C-2) and developed as a duplex, single family residences, and a vacant commercial building.

The area to the south is zoned Commercial Heavy Special (C-5-SPL) and is developed as a Restaurant (with drive-in services)

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 48th Street and North 49th Street as local roads and Grand Avenue as a Major Arterial street classification.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant explains that the variance requests will allow vehicle parking under the proposed duplexes and provide the desired unit size. See the applicant's application for the complete hardship statement.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday, April 30, 10:30 a.m. at 2912 Rogers Avenue. No neighboring property owners attended the meeting.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

If the Board of Zoning Adjustment approves the variance, staff recommends approval contingent upon the submitted development plan.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Sutton Place, Block 10, Lots 4, 5 & 6

Address of property 1001, 1011, 1021 North 49th Street, Existing or Proposed

Zoning Classification RSD-2, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

<u>FROM</u>	<u>TO</u>	
<u>30 ft.</u>	<u>25 ft.</u>	Front Yard Setback or Minimum Distance from Right-of-Way
<u>30 ft.</u>	<u>25 ft.</u>	Exterior Side Yard Setback (Proposed Lots 6A & 6B)
_____	_____	Interior Side Yard Setback
_____	_____	Rear Yard Setback
_____	_____	Maximum Height of Structure
_____	_____	Minimum Distance Between Structures on the Same Lot
<u>10,500 s.f./ 4 dwellings per acre</u>	<u>9,600 s.f./ 4.6 dwellings per acre</u>	Minimum Lot Area (Square Feet)
_____	_____	Minimum Lot Frontage
_____	_____	Maximum Size of a Sign
_____	_____	Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

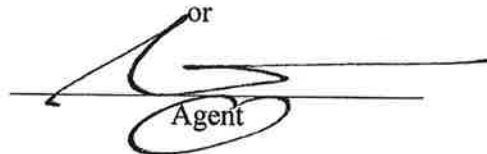
Signed:

BRETT ASBOTT
Owner or Agent Name (*please print*)

479.459.2838
Owner or Agent Phone Number

P.O. Box 1112 - FS-AZ 72902
Owner or Agent Mailing Address

Owner

or


Agent

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

WE ARE PROPOSING TO SPLIT 3 LOTS INTO 6 WHICH WOULD MAKE
LOTS SMALLER THAN ALLOWED @ 9,600 SF. IN ADDITION WE ARE
ASKING FOR A 25' FRONT SETBACK TO ALLOW ENTRY DRIVE ACCESS
TO HIDE VEHICLES UNDER STRUCTURE AND ALLOW DESIRED UNIT SIZE.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

SEE ABOVE AND ATTACHED SITE PLAN

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Variance #16-5-18: 1) 30' to 20' front yard setback (proposed 6A & 6B); 2) 30' to 20' exterior side yard setback (proposed 6A & 6B); 3) 4 dwellings per acre/10,500 s.f. per lot to 4.6 dwellings per acre/9,600 s.f.



Development Plan and Variance

1001, 1011 & 1021 North 49th Street

Legend

Single Family Residences

Single Family Residences

Single Family Residences

Bucket Billiards
Pawn Shop

Car Wash
Retail
Subway
Sonic

Campus Apartments

UAES

Residential/Single Family and Multifamily
Google Earth

Image Landsat Copernicus





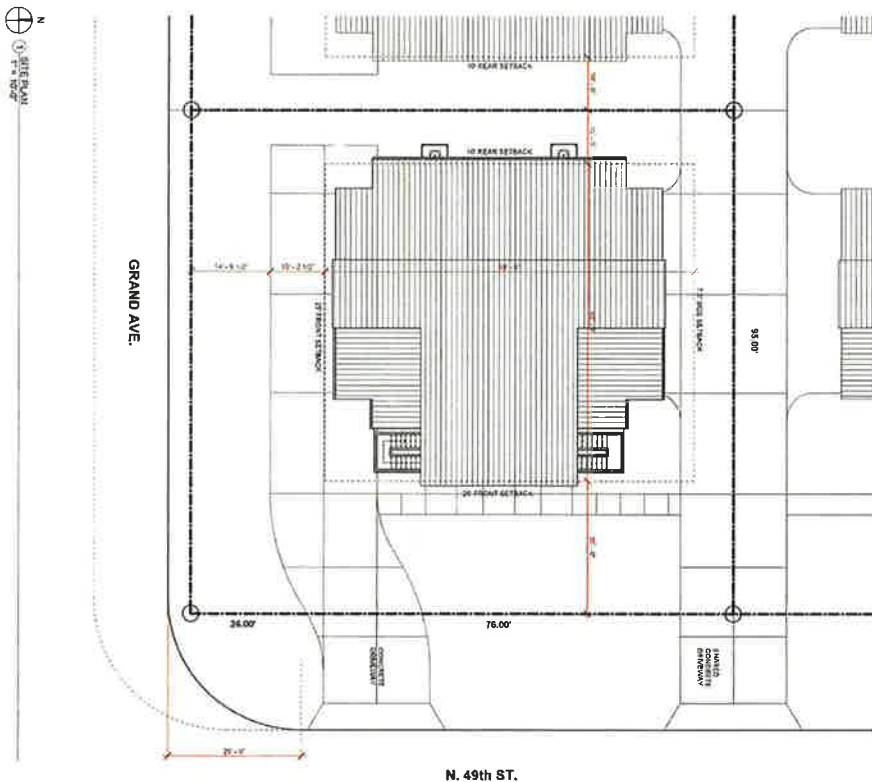
2 FRONT VIEW #1



3 REAR VIEW #1

SHEET INDEX	
NO.	DESCRIPTION
1	TITLE SHEET, PROJECT DATA, AREA & SITE PLAN
2	FRONT ELEVATION
3	REAR ELEVATION
4	LEFT SIDE ELEVATION
5	RIGHT SIDE ELEVATION
6	PLAN VIEW, EXISTING & PROPOSED

AREA SCHEDULE				
NO.	DESCRIPTION	AREA	PERCENT	REMARKS
1	TOTAL LOT AREA	170.00	100.00	
2	EXISTING LOT AREA	170.00	100.00	
3	PROPOSED LOT AREA	170.00	100.00	
4	PROPOSED LOT AREA	170.00	100.00	
5	PROPOSED LOT AREA	170.00	100.00	
6	PROPOSED LOT AREA	170.00	100.00	
7	PROPOSED LOT AREA	170.00	100.00	
8	PROPOSED LOT AREA	170.00	100.00	
9	PROPOSED LOT AREA	170.00	100.00	
10	PROPOSED LOT AREA	170.00	100.00	



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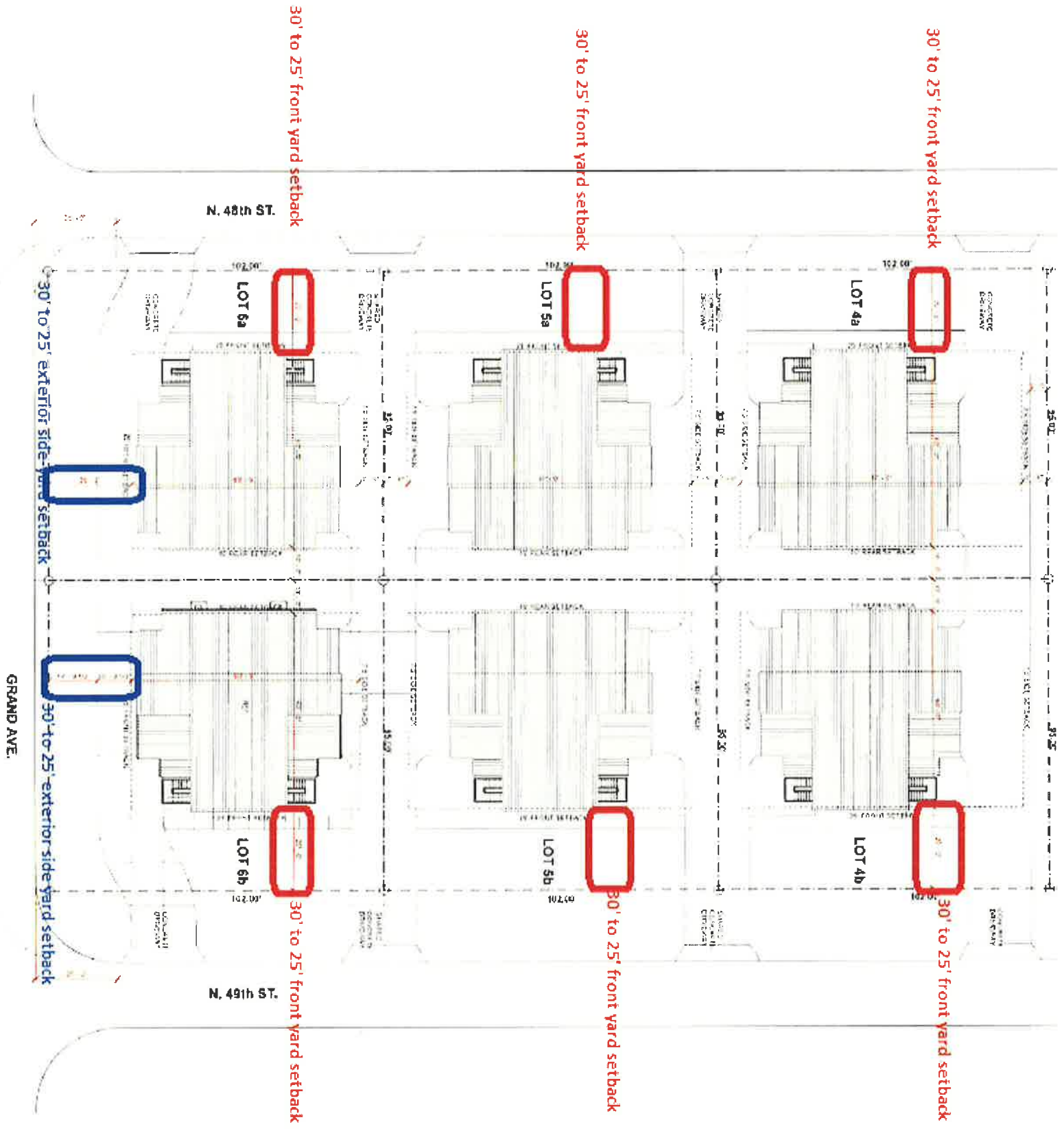
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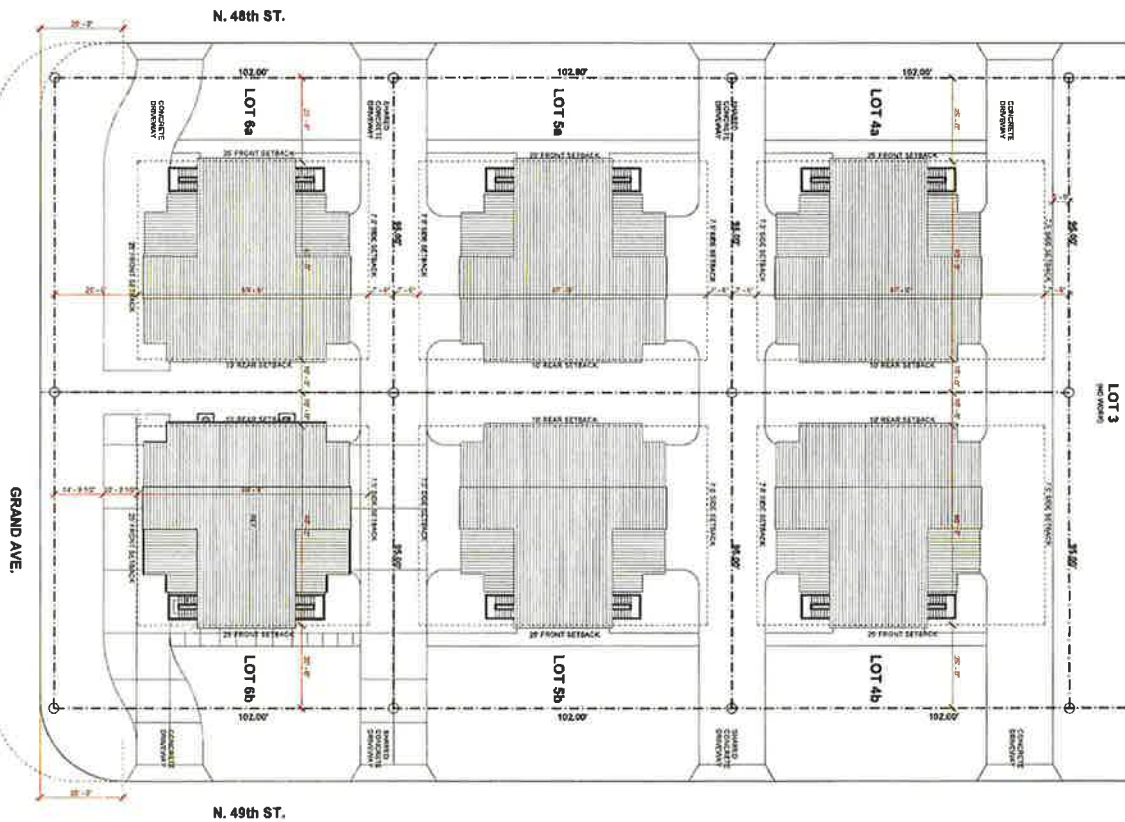
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PROPOSED PROJECT FOR:
UAFS DUPLEXES
GRAND AVE. - FORT SMITH, AR

blueROCK
design · build
479-452-2828 • BLUEROCKDESIGNBUILD@GMAIL.COM



N
 1 OVERALL SITE PLAN
 1/8" = 1'-0"



A1.1

2/16
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 August 18.06

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 August 18.06

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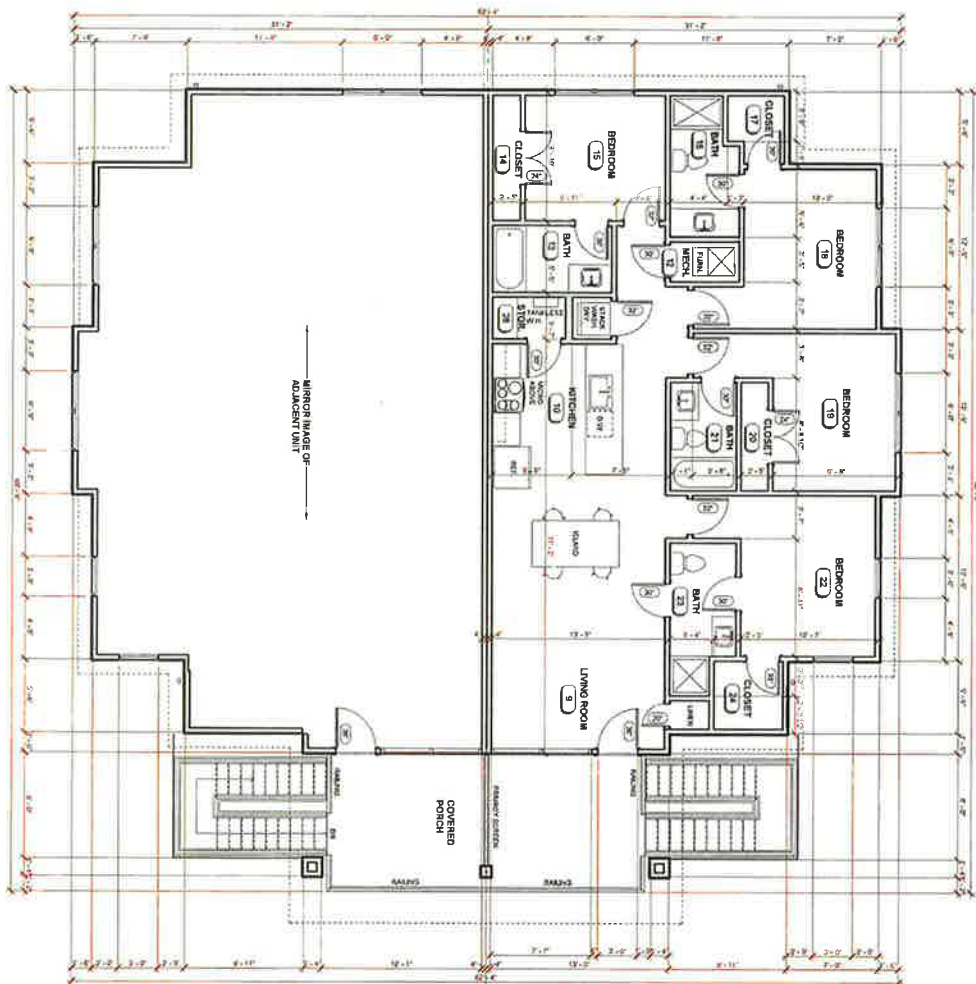
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 August 18.06

3/16
 3.21.15
 August 18.06

3/16
 3.21.15
 August 18.06

PROPOSED PROJECT FOR:
UAFS DUPLEXES
 GRAND AVE. - FORT SMITH, AR

blue ROCK
 design · build
 479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM



① SECOND FLOOR PLAN
LIVE = 170

A2.1

Date: 3.21.18
Revised: 18.06

Architect:

Scale:

SECOND FLOOR
PLAN & ROOF
PLAN



PROPOSED PROJECT FOR:
UAFS DUPLEXES
GRAND AVE. - FORT SMITH, AR

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ELEVATIONS

Scale

Project

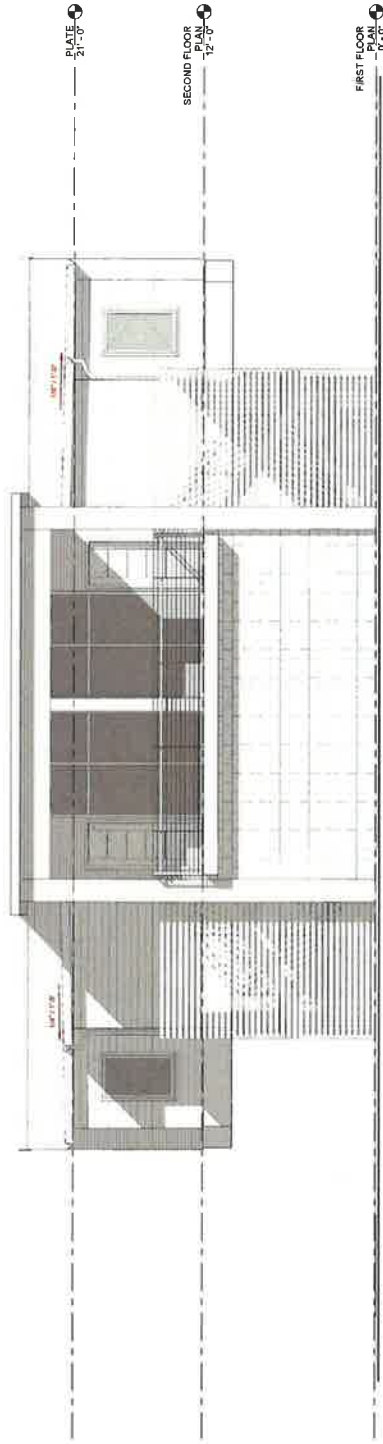
Date

4.29.18

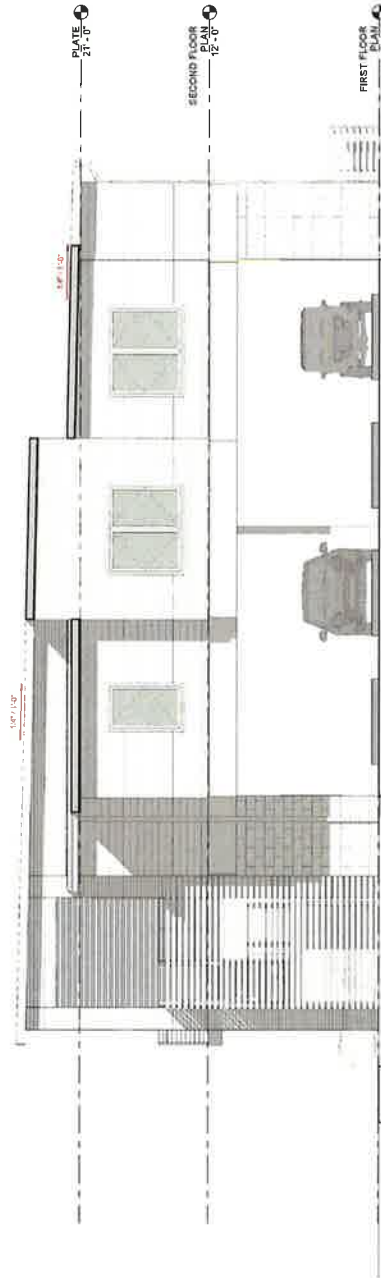
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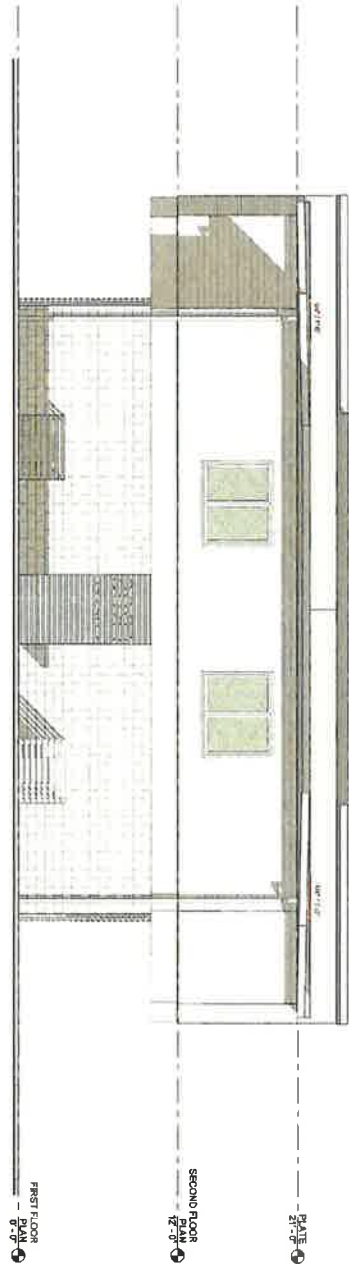


① FRONT VIEW
1/4" = 1'-0"

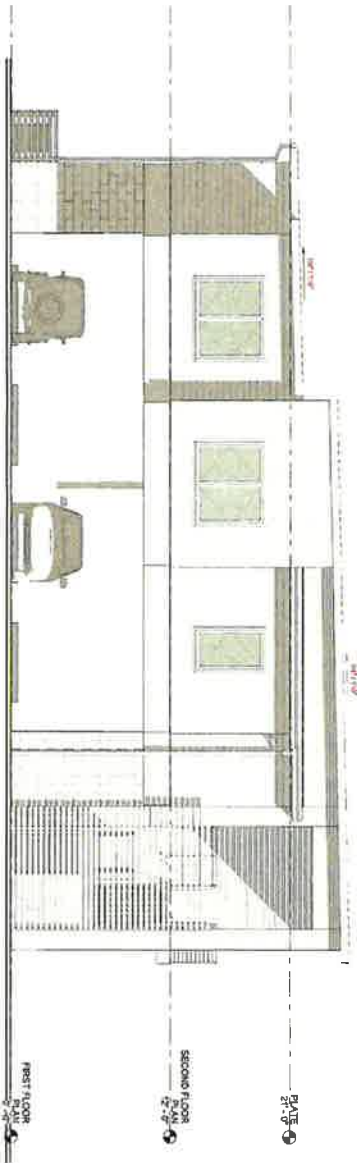


② SIDE VIEW #1
1/4" = 1'-0"

1 REAR VIEW
1/4" = 1'-0"



2 SIDE VIEW #2
1/4" = 1'-0"



PROPOSED PROJECT FOR:

UAFS DUPLEXES

GRAND AVE. - FORT SMITH, AR

blue ROCK
design • build
479-459-2838 • BLUE.ROCKEDENGINEBUILT@HAR.COM



ELEVATIONS

DATE

BY

DATE

18.05

A3.1

Memo

To: City Planning Commission

From: Planning Staff

Date: April 23, 2018

Re: Development Plan #7-15-18 - A request by Brett Abbott, agent for Keith Lau, for Planning Commission consideration of a Development Plan request for a duplex development located at 1001, 1011, and 1021 North 49th Street

PROPOSED DEVELOPMENT PLAN

Approval of the development plan and companion variance application will facilitate the development of six duplexes (12 dwelling units) and the subdivision of three lots into six lots.

LOT LOCATION AND SIZE

The subject properties are located on west side North 49th Street and the east side of North 48th Street between Grand Avenue and North J Street. The property contains an area of 1.33 acres with approximately 306 feet of street frontage along North 49th Street and North 48th Street and 190 feet of street frontage along Grand Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery

schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 4 Dwelling Units/Acre

Maximum Lot Coverage - 50%

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and developed as single family residences.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and Commercial Light (C-2) and developed as duplex, single family residences, and a vacant commercial building.

The area to the south is zoned Commercial Heavy Special (C-5-SPL) and is developed as a Restaurant (with drive-in services)

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 48th Street and North 49th Street as local roads, and Grand Avenue as a Major Arterial street classification.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on each lot from North 49th Street and North 48th Street with shared driveway access for a total of 8 driveways.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – Detention is not required.

Right-of-way dedication – No new right of way dedication is required.

Landscaping – 4 trees with shrubbery are proposed for each new lot.

Screening – The plans show HVAC screening and covered parking.

Parking – The proposed parking shows four covered parking spaces per dwelling unit.

Signage – No signage is proposed.

Lighting – No pole lighting is proposed.

Architectural features – The proposed two-story duplexes have hardy board siding and stained or painted concrete blocks with a flat roof design and vehicle parking on the first floor.

Height and Area –The duplexes are two-story and approximately 25 feet in total height.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday, April 30, 10:30 a.m. at 2912 Rogers Avenue. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

If the Planning Commission is inclined to approve the development plan, staff recommends the following comment:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Development Plan and Variance

1001, 1011 & 1021 North 49th Street

Legend

Single Family Residences

Single Family Residences

Single Family Residences

Bucket Billiards
Pawn Shop

Car Wash

Retail

Subway

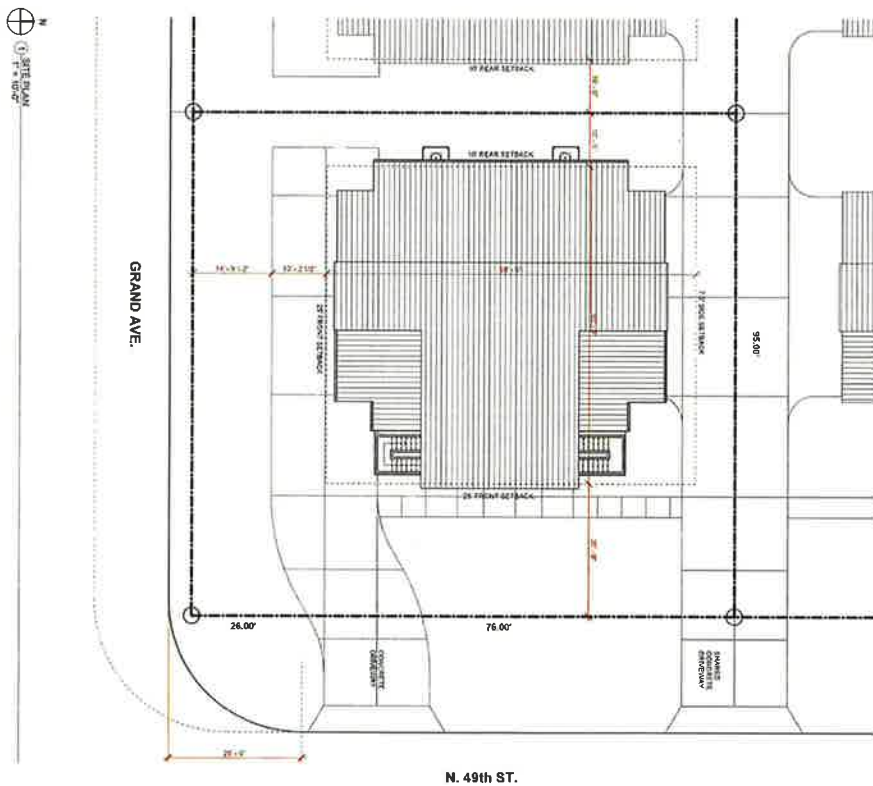
Sonic

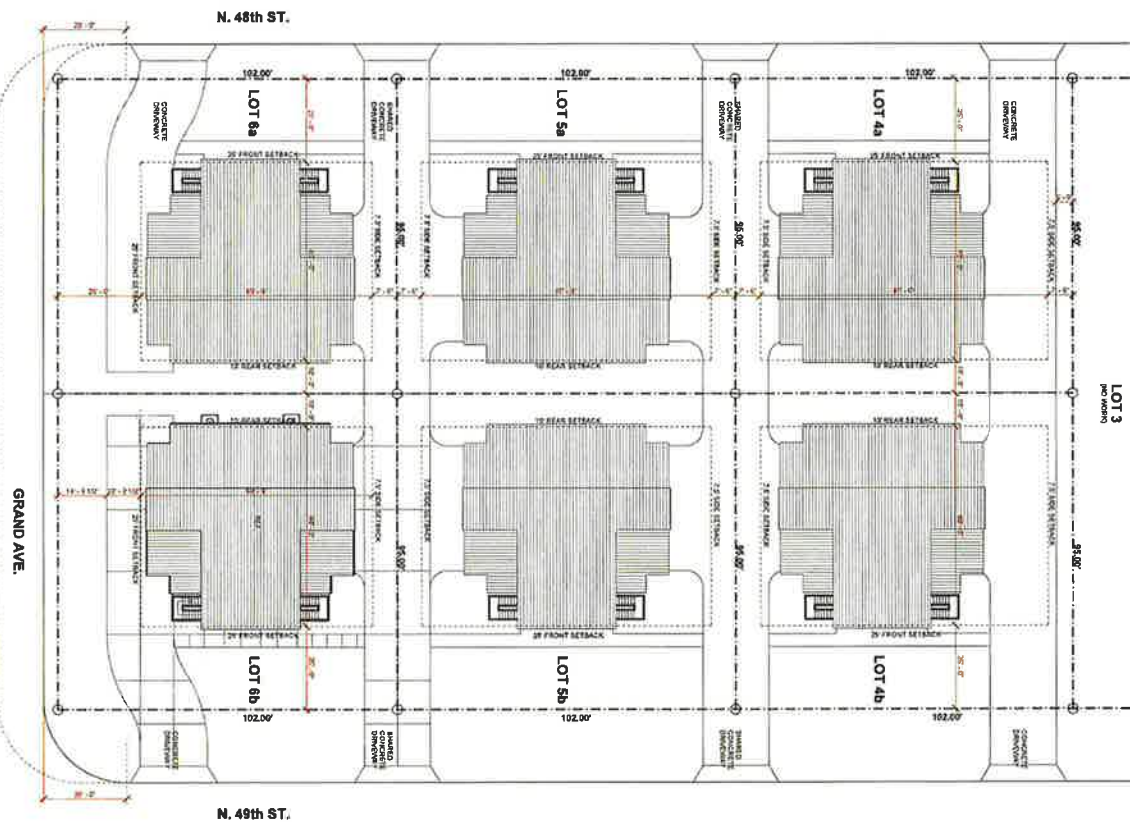
Campus Apartments

UAES

Google Earth

Image Landsat / Copernicus

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Revised 18.06

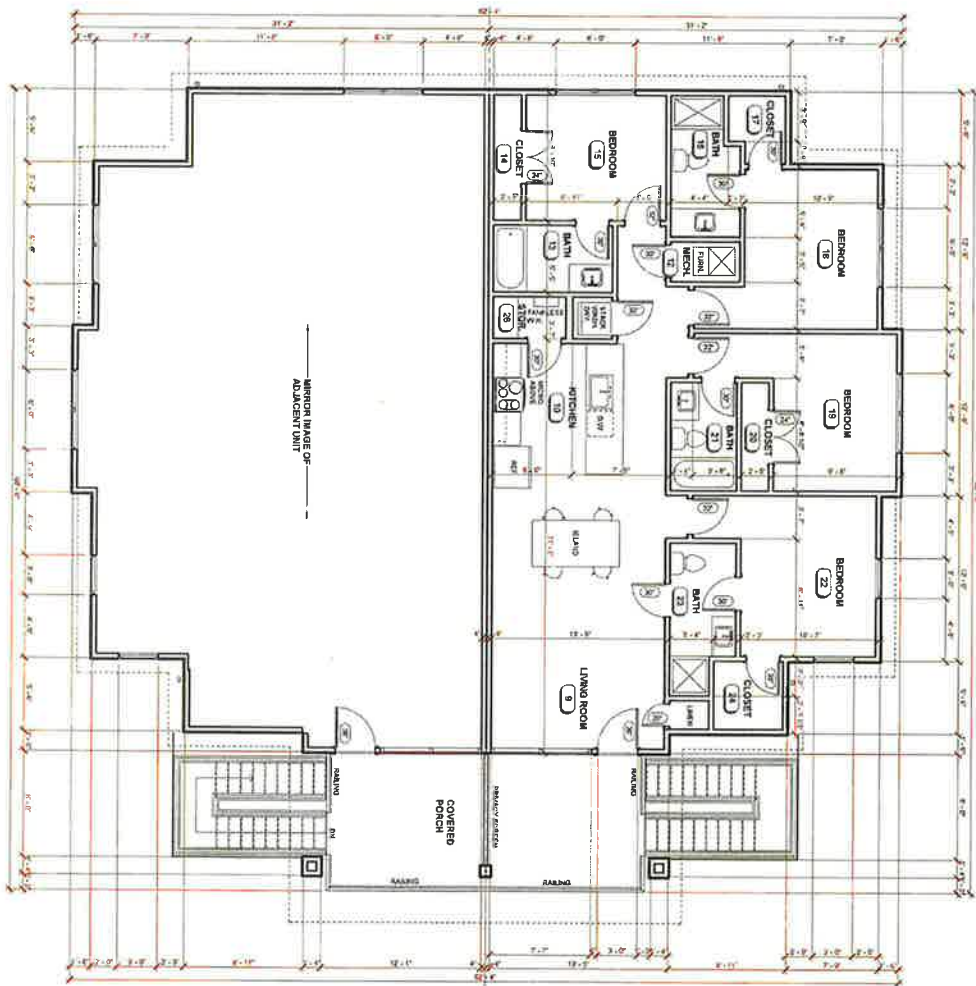
Overall Site
Plan

Overall Site
Plan



PROPOSED PROJECT FOR:
UAFS DUPLEXES
GRAND AVE. - FORT SMITH, AR

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① SECOND FLOOR PLAN
1/8" = 1'-0"

A2.1

Project 18.06

Date 3.21.18

Drawn by

Sheet

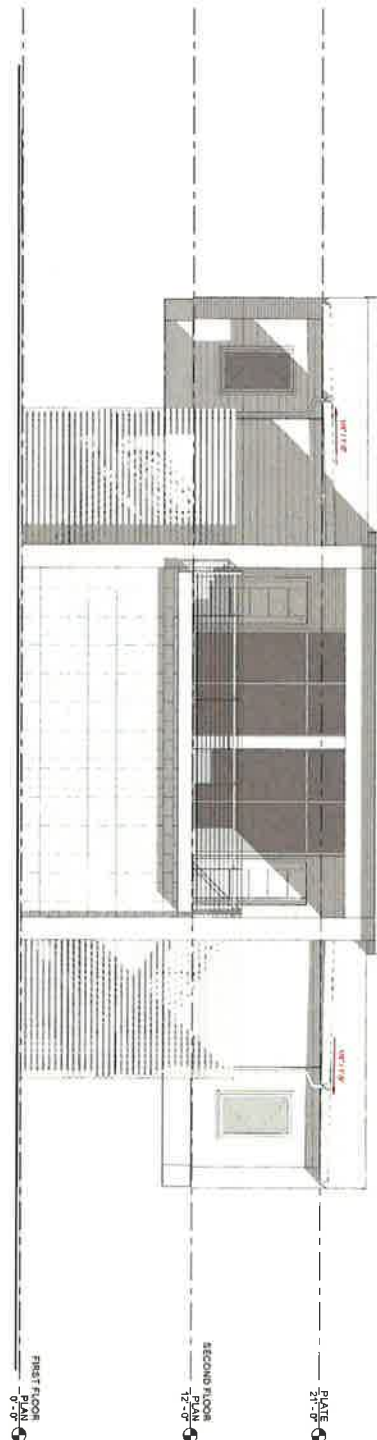
SECOND FLOOR
PLAN & ROOF
PLAN



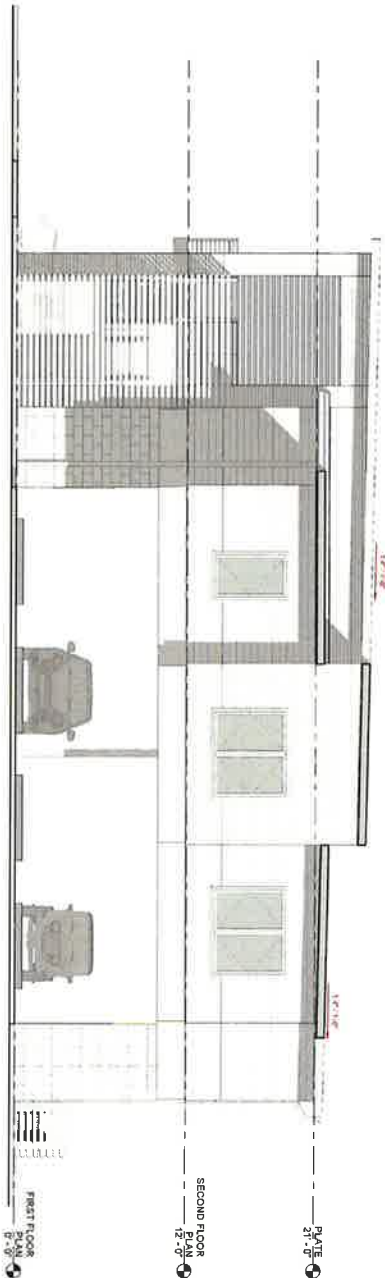
PROPOSED PROJECT FOR:
UAFS DUPLEXES
GRAND AVE. - FORT SMITH, AR

blue ROCK
design • build
479-459-2838 • BLUEROCKDESIGNBUILD@GMAIL.COM

① FRONT VIEW
1/4" = 1'-0"



② SIDE VIEW
1/4" = 1'-0"



PROPOSED PROJECT FOR:

THE CROSSING DUPLEXES

1001 N. 49TH ST. - FORT SMITH, AR

blue **ROCK**
design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM



ELEVATIONS

Scale

Revised

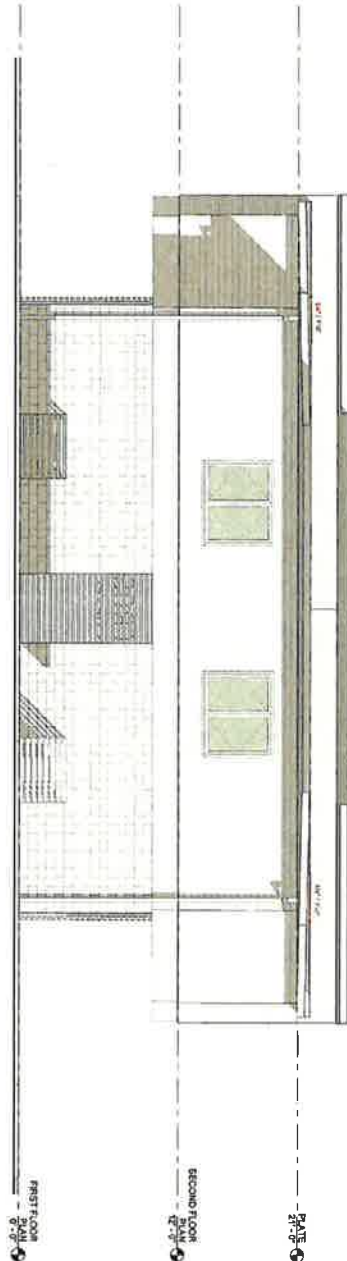
Date

4.28.18

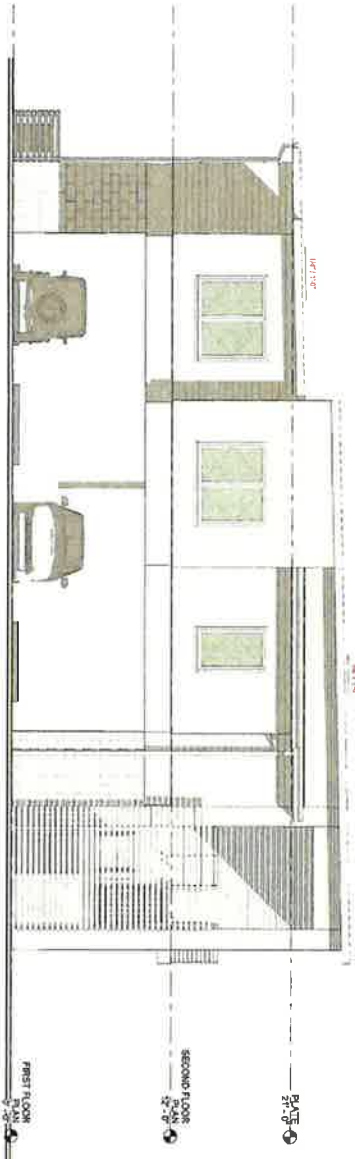
Project 18.05

A3.0

1 REAR VIEW
1/4" = 1'-0"



2 SIDE VIEW
1/4" = 1'-0"



PROPOSED PROJECT FOR:

UAFS DUPLEXES

GRAND AVE. - FORT SMITH, AR

blue ROCK
design • build
479-439-2838 • BLUEROCKDESIGNBUILD@GMAIL.COM



ELEVATIONS

DATE

DESIGNER

DATE

3.21.18

PROJECT 18.05

A3.1

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: 1001, 1011, 1021 (lots 4, 5, 6) N. 49th St.
3. The above described property is now zoned: RSD-2
4. Does the development plan include a companion rezoning request?
Yes _____ No ✓
5. If yes, please specify the companion application submitted:
 - ☐ Conventional Rezoning
 - ☐ Planned Rezoning
 - ☐ Conditional Use
 - ☐ Master Land Use Plan Amendment
 - ☐ Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:
N/A by N/A
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
RSD-2, C-2, RM-3, UAFS CAMPUS

8. Total acreage of property 1.33 ACRES

Signed:

BRETT ALBORN

Owner or Agent Name
(please print)

P.O. Box 1112

Owner or Agent Mailing Address
FORT SMITH, AR 72902

479. 459. 2838

Owner or Agent Phone Number

Owner



Agent